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4 JAN. 1885 — 24 FEB. 1886

SIGFRED-ARMINIVS

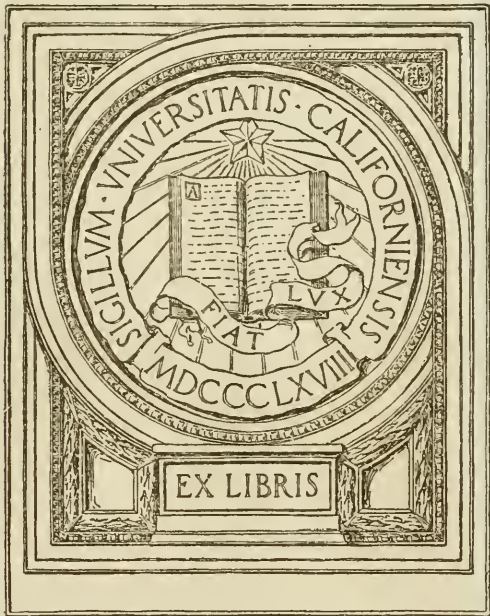
AND OTHER PAPERS



G. VIGFUSSON F. Y. POWELL

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SIGFRED-ARMINIVS

AND OTHER PAPERS

BY

GUDBRAND VIGFUSSON, M.A., ISL.

AND

F. YORK POWELL, M.A., BRIT.

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TO
THE MEMORY
OF
THE BROTHERS GRIMM

ON THEIR FIRST CENTENARIES

4 JAN. 1785 AND 24 FEB. 1786

BY

GUDBRAND VIGFUSSON, M.A., ISL.

AND

F. YORK POWELL, M.A., BRIT.

OXFORD: MDCCCLXXXV

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PROLOGUE IN BERLIN.

I HAVE read, or was told, that on the 4th January last, the centenary of Jacob Grimm's birthday, orders were given for the teachers in every school throughout Germany to tell their scholars somewhat of him. May I, though a little behindhand, add my mite to the pile, by telling of a brief interview I had with Jacob Grimm in Midsummer, 1859, on my first visit to Germany. I tell what I have to tell from memory, looking back twenty-six years, for I have never been in the habit of taking notes or keeping a diary.

Starting from Copenhagen I landed at Stettin, stayed there but a few hours, and left the same day for Berlin. I knew no one in Berlin, nor had I any introductions; and, though I could read German, I had never spoken two words. 'Sie sind ein Wiener,' somebody said to me, wondering who I could be, and not knowing what I was saying. My first day at Berlin I spent in seeing the Museums; and on the second I went to Potsdam. The third and last I gave to Museums again; when at noon the thought of calling on Jacob Grimm came into my head, a bold resolve, as this was my third day of German speaking.

So, at 12—1 o'clock, I found my way to Link-strasse (to what number I have now forgotten); it was a big row of tall houses, let in flats, and facing open fields at that time. I went upstairs to the first floor on the left hand, if I remember right, and there on a brass plate was engraved—

JACOB GRIMM UND WILHELM GRIMM.

I rang the bell, and a manservant came to the door; I told him my errand; and having no printed card (things I have never used in my life) I wrote my name on a piece of paper and gave it him. He did not seem to understand me very well, as was no wonder, and I doubt if my dirty clothes and boots—for I had been wandering about sight-seeing since the early morning—reassured him. However, he went in, and coming back after a little while took me in and, opening

a door on the left hand, set me face to face with Jacob Grimm in his own study. A plain bright room, in the middle a strong table, Grimm's chair close to it with its back to the window, books in shelves all round, and half-open folios lying about, one on the floor leaning against the leg of the table, just as one sees them in the pictures of old Italian scholars' rooms. Of other furniture, the chief was a low bench-like couch or sofa without back or head-rest, on the left on entering the room. Grimm was standing when we first met, and he did not sit down all the while I stayed, but he asked me to sit down on the couch, and stood and talked to me. He spoke in a friendly way, enquiring foremost about people, first of my countrymen. I remember his asking after Mr. Jon Sigurdsson, wanting to know whether he was married, whether he had any children. Then he asked after others, then after several Danes, and lastly, hearing that I had been in Norway, after some Norsemen. I noticed his ready memory for names. Finally he turned to me and said—'Sie haben schöne dinge gethan,' which I did not at the moment quite understand, but afterward gathered that he meant my *Timatal* (an Essay on the Chronology of the Icelandic Sagas). He went on to ask me what I was now doing. I told him I had been editing Sagas, and spoke of the *Biskopa Sögur* (Lives of the old Bishops of Iceland), which I had finished. But here I had nearly come to grief, for I took out of my pocket a little MS. 'This,' I said, 'I have now in hand, and am going to have it printed at Leipzig' (where it afterwards duly appeared as *Forn-Sögur*, a transcript of old texts), and gave it him. He took it, and holding it up, stooped his head to it, till it was near his eyes; he did not bend his body, nor contract his chest; and so standing half sideways to me, half facing the door, he turned over the leaves, reading a few lines. I can still see him as he stood there; for of course I watched him closely as he read. I could soon see that there was something in it that displeased him. My manuscript was written in the Raskian spelling (then used by Icelanders, as if there had never been a Grimm), not even distinguishing between 'æ' and 'œ,' a point on which Grimm insisted. He gave me back my MS.—'I will read it when it is printed, it will be easier then.' After a pause he said, 'I see that there are some differences between you Icelanders and the Norwegians (Munch the historian and Unger had been the first to adopt Grimm's spelling). I answered that I did not know, that it was a trifling matter; but after a while, having talked on other things, he returned to it again, though when I gave the same

answer he kindly and good-naturedly let the subject drop. It would have been ill for me to bandy grammar with Jacob Grimm: besides, I could only speak German word by word. Looking pleased again, he now turned to his book-shelves (were I back in the room I could point out the exact spot) and deftly picked out a small pamphlet to show me. I noticed the quickness of his hand and eye; he picked out the thin little book as neatly as a printer picks up a type. He crossed the room, and, from different shelves took out one or two more in the same accurate way: it seemed to amuse him. I think I noticed too that he seemed to open every book as if at random¹, and yet to light upon the right place.

Then he asked me if I would take a glass of wine. 'I am thirsty,' said I, 'and would like to have some water with it.' Upon which he rang the bell, and the servant came in. And after a while a young lady (Jacob's niece, I should think) with a tray, and on it claret and water. I asked Jacob Grimm to help me, and as he poured out the water and the wine into a tumbler, I noticed his hand shook a little; but, as in Iceland, it is always the hostess that helps one, and I knew that he was a bachelor living with his brother, I fancied that it was because he was not used to do such a thing, and therefore did it awkwardly, for I could, young as I was, see that there was something childlike in his nature.

My own feeling all the while towards him was a strange mixture of shyness and curiosity. After saying a few kind things to me, when I rose to go, after staying about twenty minutes in all, he went with me to the door and bid me good-bye, sending his greetings to Maurer in Munich whom I was about to visit,—and I am sure sat down again to his *Lexicon* directly, and was deep in work in a moment. The interruption, instead of disturbing, seemed rather to please him and rest him.

Of Grimm's appearance I have a lively recollection. His head was large and carried a little bent forward, as is often seen in men of thought. His hair was thick and straight, but turned to a silvery hue; no trace of baldness; lips, cheeks and chin close-shaven. His face was somewhat of the Roman type, serious but kindly, not smiling or laughing as he spoke, and not varying much in expression. He did

¹ In a similar way I remember Munch's power of opening a big book at almost the right page and, that hit on, of pouncing at once upon the right line and word.

not wear spectacles, though he was a little short-sighted, as I noticed when he read my papers. He stood bolt upright, and moved briskly and easily, and altogether showed none of the wasting of age. His voice was clear, pitched a little high I noticed, which (as I learnt afterwards) came from a slight deafness; I thought he spoke so that I might understand him better; his articulation was so clear and distinct that I was easily able to make out every word he said. There was no condescension in his voice or ways; he did not speak a word about himself, or give a hint as to his own work, or touch on any literary subject whatever, beyond those I have noted above. He said nothing of the ordinary commonplace about Iceland (geysers, Hecla, etc.), indeed he never mentioned it at all.

Everything about the man was healthy. Though he had risen from his work as I came in, his hair and dress were tidy and smooth, and there was no weariness in his look, voice, or bearing. He did not, I think, wear a dressing-gown, but a plain frock-coat. There was no smell of tobacco about the room, nor any pipe or cigars to be seen (dear as they are to the typical German professor). As in his *Grammar and Mythology*, so in all his belongings I noticed that the sense of order was strongly manifested. Every book on his shelves seemed to be in its right place. All his surroundings seemed scrupulously clean and neat. His room was not over-hot or close, but sweet and fresh.

Of the engraved portraits I have seen of Jacob Grimm, the best one is that in the frontispiece of the *Dictionary*, though even that does not quite give the man as I saw him. I have a faded photograph, given to me in 1862, which is better: the best, however, is one of the same year belonging to Dr. E. B. Tylor, of Oxford. But in this the man shows signs of a shaken frame, which he certainly did not when I saw him in 1859. One can see in it the effect of the death of Wilhelm and that terrible incubus of the *Wörterbuch*, now weighing upon him alone. When I was in Berlin, Wilhelm was still alive, but I did not see him; perhaps he was not at home, or else Jacob would probably have taken me in to see him. Thus I missed the pleasure of seeing the two brothers together; and I never had another chance, for Wilhelm died December 16, the same year: Jacob died September 20, 1863, coming 79.

Thus on my first visit to Germany, and only visit to Berlin, I had the singular good fortune, as I count it, to be face to face with Jacob Grimm for a few moments.

G. V.

I. SIGFRED-ARMINIUS.

*Qui inuicti fuere uiri, pater optime Olumpi,
hos egomet uici.*

IN looking at the long bede-roll of the heroes of Teutonic Song and Legend, Sigfred, Ermanaric, Theodric of Verona, Hygelac the Goth, Gundahari the Burgundian, Ælfwine the Lombard, Charles the Great and his marquis Hruodland, Lodbrok, Ælfræd of Wessex, Harold fairhair, down to Olaf Tryggwason, one cannot but be struck by the fact that in every case but one we have contemporary accounts, which not only give the means of clearing the legendary deposit crystallized by imagination about these great men, but also help to discover by what facts of character and achievement the hero was able to impress his greatness upon the mind of his own age. Of one single name, however, most famous of all, most widely known, most deeply stamped upon the Teuton imagination, we seem to have no *historical* record—SIGFRED. Of all the others, as the annexed table will show, we have a *double* record, one popular, fanciful, imaginative, the other plain, often bald, but historical. For instance, a few lines of Ammianus, the contemporary of Ermanaric, give the facts which Jordanes, Saxo and the Eddic Lays preserve in poetical dress concerning that mighty King of the Goths. A dozen words of Eginhard prove that the Roland who died at Roncesvaux is no poetic myth. The brief sentence of Bishop Gregory of Tours confirms the legendary tale of the old English Epic of Beowulf, and reveals Chochilaicus in the flesh, a real king fighting and dying in a raid against the Frisones—

<i>Hero.</i>	<i>History.</i>	<i>Legend.</i>
Ermanaric.	Ammianus.	Jordanes, Saxo, Eddic Lay.
Attila.	Jordanes, Priscus.	Eddic Lays.
Hygelac.	Gregory.	Beowulf.
Theodric.	Excerpt. Vales.	Eddic Lays.
Ælfwine [Alboin].	Paul the Deacon, etc.	Widsith.
Charles the Great.	Eginhard, etc.	Chansons de geste.

Throughout one finds that epic poetry is built up upon a firm rock-foundation of fact, unshakeable and steadfast. May we not legitimately extend the inference to Sigfred's case?

Again, if we turn to the four chief classic historians that tell of early Teutonic History—Velleius Paterculus, Tacitus, Dio, Strabo, we are confronted by a singular and startling fact, that ARMINIUS THE CHERUSCAN—the man, but for whose heroism and skill Germany would not now be Germany, nor England England; the general who stemmed once and for ever the full tide of Roman conquest in the hey-day of the early empire—that this hero of heroes seems to be the one man passed over, forgotten, unknown to the lips and hearts of his own people. Is this credible? Tacitus witnesses that in his day at least it was not so: *caniturque adhuc barbaras apud gentes*.

Is there not, after all, a simple solution to this double difficulty? Are not Sigfred and Arminius one and the same? With the train of reasoning that has led us to this somewhat startling conclusion we will now deal.

In a late number of *Germania*¹ Mr. L. Smith, in a closely argued and carefully wrought out paper, proved that the numerous attempts, from J. Grimm upward and downward, to identify the name of the Liberator with any Teutonic name has failed, and had gone upon a wholly wrong track—that Arminius is, in fact, a Roman gentile name that has been recognized in Roman Inscriptions.

Velleius Paterculus, whose vivid, if brief, delineation of the defeat of Varus, was written within nine years of the Conqueror's death, strongly confirms this view. Says he,—*Tum iuvenis genere nobilis, manu fortis, sensu celer, ultra barbarum promptus ingenio, nomine Arminius, Sigimeri principis gentis eius [Cheruscorum] filius, ardorem animi uultu oculisque preferens, adsiduus militiae nostrae prioris comes, [cum] iure etiam civitatis Romanae ius equestris consecutus gradus, segnitia ducis in occasionem sceleris usus est*. Lib. II. c. 118; cf. Tac. Ann. ii. 10, *ut qui Romanis in castris ductor popularium meruisset*.

Here are the facts of Arminius' youth spent under a training of Roman military discipline, his rank, birth, patronymic, and tribe. Tacitus supplies his exact age at the end of his victorious career; *Septem et triginta annos uitaе, duodecim potentiae explevit*. Arminius,

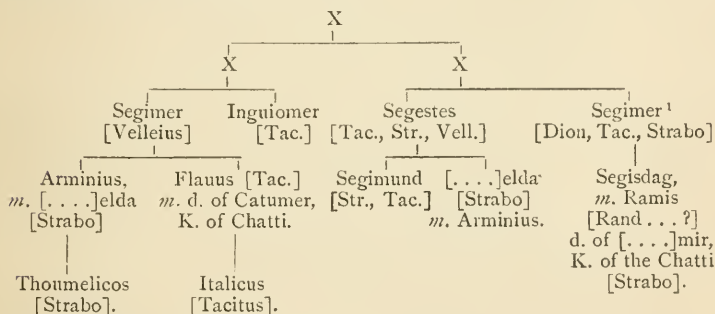
¹ The first draught of this was written in Sept. 1883.

therefore, was born B.C. 16, crushed Varus A.D. 9, and died A.D. 21, the same age within a year as that at which the second Deliverer of Germany, Gustavus Adolphus, closed his course.

Arminius' intimate association with the Roman army in early life, which may have covered as much as ten years, will amply account for his being mentioned by the Roman historians only under the name he had borne while in their service. On the other hand, the songs of his people would celebrate him only under his own Teutonic name. If, like Segestes his father-in-law, *a diuo Augusto civitate donatus*, he had attained Equestrian rank only as a full-grown man, he would, like him, probably have come down to us only under his *native* name.

Have we any data in the Roman writers, which may help us to identify Arminius' *native* name?

The following pedigree of the royal house of the Cherusicans the ancients have preserved for us.



According to the early custom of Teutonic nomenclature (such as we find it for example in the houses of Theodric the Goth, Oswald the Northumbrian, Gundahari the Burgundian) Arminius' name would therefore be a compound of *Segi*—and why not *Segi-fredus* ²?

¹ There were two Segimers, (1) Arminius' father, mentioned by Velleius only; (2) Segestes' brother, Segisday's father, Arminius' lieutenant on the Varus day ('*Ἀρμένιος καὶ Σεγίμπος*, Dio, Bk. lvi. ch. 19). Though the historians are particular in noticing in each case the relation, if a close one, to Arminius, there is no hint of Segestes being his uncle; nor is it likely that Arminius and his wife were first cousins; nor can Dio's Segimer be Arminius' father, for he is a subordinate person ('A. 'καὶ' Σ.).

² Of the twin-forms, Segis- and Segi-, the former seems to be used before t, d, Seges-tē-s (qs. Seges-theow) but Segimund.

And is there not found in Teutonic poetry the very name of the *royal clan* or gens of the Cherusci? In the Thulor (a 13th century Gradus ad Parnassum¹) is a list of synonyms for 'King' gleaned from old Pindaric odes or encomia upon various Scandinavian princes. Among them are these—

oðlingr [Ethel-ing], West Saxon royal gens.
 audlingr [Ead-ling], English royal gens.
 bragningr [Brag-ning].
 budlungr [Beadu-ling].
 dōglingr [Day-ling], Danish royal gens.
 hildingr [Hild-ingr], Frankish royal gens.
 lofðungr [Leof-ding].
 hniflungr [Hnef-ling].
 maeringr [Maer-ing], Frankish royal gens.
 sciöldungr [Shield-ing], Danish royal gens.
 mildingr [Mild-ing], English royal gens?
 scilfingr [Shelf-ing], Swedish royal gens.
 ynglingr [Yngwi-ling], Swedish royal gens.
 ylfingr [Wolf-ing].

Beowulf's Lay supplies other names of the same type, openly treating them as patronymic or clan-names:—

bronding [Brand-ing], Gothic gens.
 helming [Helm-ing], cf. O. N. hilmir.
 wiccing [Wicg-ing], Heath-bard clan.

And last, not least, Jordanes yields—

Amalungs [Amal-ungs], Gothic royal gens.

May we not rightly add to the list a well-known northern synonym for king and explain its origin as?—

siclingr [Sige-ling], Cheruscan royal gens².

Hence by *gens* Arminius would be *Sigeling*, as Ethelward the Patrician was *Etheling*.

In the fragmentary Hyndlu-liod, a genealogical poem composed for a member of the Horda-Kari family of Hordaland and afterwards of Orkney (set side by side with the early paraphrase of its pure text preserved in Flatey-book, and reconstructed by

¹ Corp. Poet. ii. 424, ll. 21-32.

² sicling (Thulor, l. 29) stands for Sigling = Sigeling. Cf. Corp. Poet. ii. 519 V. Cf. wig- wicg- wiccing.

the author in the *Corpus Poeticum*¹), such royal titles as those cited in the *Thulor* are openly and clearly used as patronymic clan-names. So that in the Old English chronicles with their *Æscings* and *Ethelings*, in the Norwegian *Kings' Lives* with their *Skioldungs* and *Ynglings*, and in this curious *Lay of Hyndla*², the title-deed of *Ohthere heimske*, we seem to hear the last echoes of a clan or gens nomenclature which no doubt dates back to an early 'totem-stage' of Teutonic development.

Leaving personal and clan-names, let us look to his *tribal* title, *Arminius the Cheruscan*. This is in consonance with true Teutonic use, which survived in such denominations as *der Friedlaender*, *der Pappenheimer*, down to *der Dessauer* (known from Carlyle's *Frederic*). No doubt in the lost lays Tacitus tells of, Arminius was *the Cheruscan* par excellence.

In the Eddic Lamentation Lays (*Corp. Poet. Bk. V*), the unnamed author of which had access (as we have shown elsewhere) to High and Low German poems and traditions, Sigfred is marked out by a curious and unique epithet—*Hunsci*, e.g. :—

Long Brunhild Lay, line	16	Hunscr conungr.
„	33	conungr enn hunsci.
„	75	enn hunsci herbald.
„	264	enn hunsa.
„	265	enom hunsa.

Greenland *Atlamal*, line 362. dauðr varð enn hunsci.

In all of which it is an epithet to Sigfred. As an epithet to others besides we find it in the—

Old Gudrun Lay, line 84. hunscar meyar.

More doubtful uses are—

Old Gudrun Lay, line 50. recca huna. [read, hunsa?].

Gudrunar kviða, „ 102. hunscarar theoðar.

In all these instances the -sc inflexive form is to be noted.

Now to call Sigfred a *Hum* is absurd; the word, therefore, upon any hypothesis, stands for some lost tribal name—is it not Cheruscus, Heorsci? All but two letters are identical. The word we want must begin with H, for this letter is needed to complete the alliteration in many of the instances given above. A Northern German singer would get some kind of sense out of *Hunsci*; for the

¹ Excurs. IV to second volume, p. 515.

² Better *Hynla* = *Hunila*; no relation with *Hund* (hound) we now think.

great Hun hero, Attila, was a famous figure in the Epic Lays he knew, but the tribe of Cherusci had already in Tacitus' time been melting away into swift decay, having produced its great man, and done its duty and fulfilled its service to Teuton history. Therefore, save as a traditional epithet or synonym to Sigfred, its very name would long ago have perished, and be utterly foreign to a Scandinavian or even a German ear.

G. Storm's ingenious note on Susat [Soest] and the Hunaland [Westphalia] of the Wilkina Saga, will yield no slight confirmatory evidence to this strange confusion. For, how could Huns come to dwell in the old Cheruscan land, save by such error as this? It is in fact the same misnomer, Heorsc- for Hunsc-, over again.

While on this subject one cannot pass over Tacitus' words, *boni aequique Cherusci, nunc inertes ac stulti uocantur*—a snatch, one may well believe, from an old Teutonic camp-song, to which we can even restore its original German words: 'horscr' is exactly *bonus aequusque*, while 'heimscr' is *iners stultusque*. Horscr, too, would alliterate most happily with Heorscr (Cheruscus), to which it must have been of old the standing epithet (like the *gallant Græme, light Lindsay, gay Gordon* of the Border ballads). The apt opposition of 'horscr' and 'heimscr' in satire is attested by the early Norwegian poem, Guest's Wisdom, where we find—

Heimsca or horscom goerir haolda sono sa-enn mátei munr
and

Opt fá á horscan, es á heimscan ne fá, lost-fagrir litir.

This word-play has, we believe, kept 'horscr' alive in the war of words, and saved its noble meaning unsullied; for it is the word which rightly describes perfect hero or heroine, the true Teuton term for which the English have borrowed the word 'gentle' from their Romance neighbours.

And thus, both *personal* and *tribal* name seem to come home to Arminius. As to Arminius' wife, Tacitus has not preserved her name, but Strabo once names her. But, unfortunately, Strabo has reached us in a form derived from a single uncial MS.—*omni genere errorum inquinatissimus*, as the much-troubled editor, Dr. Kramer, stigmatizes it—hence his proper names are in terribly corrupt state. He calls her ΘΟΥΣΝΕΛΔΑ; but this word is evidently incorrect, indeed

¹ See Dict. p. 279-80.

impossible; the last part, '-elda,' being the only bit we can trust, for this shows that the final element was '-hilda.' Here is a curious coincidence. Both the women tradition has mixed up with Sigfred's life, have names in '-hild,' Brun-hild and Grim-hild. We can scarcely doubt that Strabo's mutilated word was originally one of these, most probably 'Grimhilda.' *Thousn-* is impossible, and *sn* is not a likely combination, nor could there (for Strabo is copying Latin) have been any 'Th' in the Latin inscriptions that were inscribed above the captives in their car. GIRMELDA or GERMILDA are likely original forms. At all events, the scribe's mistakes have not obliterated the traces of the important -hild ending; and we have a further coincidence here between the Arminius of history and the Sigfred of tradition.

From these questions of expression, it will be well now to look to the Eddic Lays (which, it is to be remembered, are the oldest bits left us of traditional Teuton history), and see how far their view of Sigfred agrees with the plain matter of fact statements of Velleius, Strabo, and Tacitus, contemporary Roman authorities respecting Arminius.

To begin at the beginning, the name of 'Unborn' is given by some of the older Lays to Sigfred, and it is explained by what may be a mythical story, that, like young Macduff the avenger, he was from his mother's womb untimely ript. Yet, doubt as we may this tale, the surname must surely witness to an historic fact. Arminius' father was certainly not alive during his son's career; he is only spoken of as a step in his pedigree. It is his mother, not his father, that Arminius speaks of when he reproaches his brother¹. How else can we account for the boy's reception into a Roman gens, and the long years of education passed in full Roman training in a Roman camp? Sigfred was probably *posthumous*, and this would be the sense of *unborn* here. That his father perished by violence tradition declares; and history, though silent on this head, is by no means contradictory.

The striking scene in which the brothers Arminius and Flauus are brought face to face on the banks of Weser, talking across the stream, reads to us as if Tacitus had got hold of some Teutonic lay, taken down, one might fancy, from the lips of some veteran who had served east of Rhine, so closely does it coincide in spirit and

¹ Tac. Ann. ii. 10, matrem precum sociam.

incident with the 'flytings' of the Eddic Lays. The beginning of their parley recalls the Waldhere poem. 'Where did you lose your eye? What did you get for it?' The increasing scorn on one side, and wrath on the other, as the bitter reproaches and taunts of Arminius stung the Romanized Flauus till *paullatim inde ad iurgia prolapsi, quominus pugnam consererent ne flumine quidem interiecto cohinebantur, ni Stertinius adcurrrens plenum irae armaque et equum poscentem Flauum attinuisset; cernebatur contra minitabundus Arminius proeliumque denuntians, nam pleraque Latino sermone interiaciebat ut qui Romanis in castris dux popularium meruisset*. [Ann. ii. 9, 10.] One can hardly help remembering as one reads the words, the Lay (late, it is true, but vivid and powerful in its way) where Gudrun and Brunhild quarrel as they wade in the Rhine, waist-deep, bandying words that bring death to Sigfred and many heroes more¹. One remembers, too, that Flauus, like Hagen, is one-eyed; and here again tradition has preserved a fact mixed up with other and mythic matter.

That Sigfred won a bride by force of arms and bravery one is told in the Lays with much mythic adornment; and Tacitus says that Arminius carried off his wife from her unwilling kinsmen. The feuds thence arising, it is even probable from stray hints, were eventually the cause of his death. So in the Lays it is through his wife that the doom, long averted, at length comes upon the hero.

Minor details which coincide, though severally little worth, by their cumulative testimony, help one to a conclusion. When one reads in the Lays of Sigfred's beauty, noble bearing and piercing glance, which the late Flatey-book still repeats in the Norna-Gest episode, though of course one knows that a hero should be handsome, it is still interesting to find Velleius (who most likely had *seen* the man) noticing expressly Arminius' speaking eyes and animated face².

Again, Sigemund was a famous exile, as Beowulf's Lay tells us, and there is a Sigimund, Segestes' son, a real live person mentioned by Tacitus (Ann. i. 57) and Strabo, who seems to have been an hostage while young in Roman hands.

Even the Wolsung gift of immunity from poison recalls the story Tacitus (Ann. ii., last chapter) says he found in the writings and record of the time—that Angand . . . [the textual Adgandestrii is

¹ Corp. Poet. i. 394, ii. 536-37.

² Ibid. i. 398, ii. 540.

surely corrupt] chief of the Chatti, sent to the Senate offering to poison Arminius, an offer scornfully rejected by Tiberius.

The wars with Sigi-geir and Sigi-here, mentioned in the Lays of the Codex-Regius-Lacuna¹, paraphrased and so preserved in the prose Wolsung Saga, are surely the last echoes of the historic fact that Arminius had troubles with his kinsmen, some of whom were in the Roman interest. Why else should the *Sigelings* be made to fall out among themselves²?

The Roman says that Arminius died young at the height of his fame, cut off, 'dolo propinquorum,' by his kinsmen's craft. The young Sigfred, as everyone knows, was murdered by his brother-in-law and sworn allies. [Corp. Poet. i. 397-98.]

Sigfred in the Lays leaves a son behind him, a posthumous child, born to a heritage of woe only, and to an untimely death. And here again the Roman historian confirms tradition with just such difference of incident as we should expect, when in words, strangely sympathetic for an enemy, he speaks of Arminius' son. *Educatus Ravenne puer*, Tacitus says, *quo mox ludibrio conflictatus sit in tempore memorabo*; but the promised details are lost with the books that contained the Reign of Caius³. On the day of the Triumph the boy, Strabo tells us, was *πριέτης*. With this compare Edda i. 364 (paraphrased from one of the lost Lacuna Lays we suppose), 'There fell Sigfred and his *three-year-old son*, named Sig-mund, whom they slew⁴.' In the old Lay of Gudrun the dying Sigfred says:—

á ec til ungan erfi-nylja,
cannat hann firrasc suic or frænd-garði.

As we mend the corrupt original:—

I have a son and heir: but over-young he is,
He cannot escape treason from his kinsmen's house.

True it is that in some later versions of the Sigfred tradition, he is made to leave a posthumous daughter, not a son. But we see in this merely an attempt to link the Sigfred cycle with the Ermanaric cycle, and luckily Jordanes, the Gothic-Roman historian, has preserved mention of the historic *Swanhild the Rosmon*; while

¹ Corp. Poet. i. 398, ii. 534.

² The two names occur together in the Old English heroic pedigrees.

³ Arminii uxor (in her captivity) uirilis sexus stirpem edidit.—Tac.

⁴ Corp. Poet. i. 392, ii. 534.

even Saxo has not mixed up *Gudruna uenefica*, who urges her sons to revenge, with Sigfred's wife, though this is at last done in the Eddic Hamtheow Lay. Later still there is an attempt made to link the Sigfred and Ragnar cycles by means of an *Aslaug*, who is made to be Sigfred's daughter. But the Aslaug tale is an old story, told in many forms, and has obviously nothing to do with the Wolsung cycle. It is a poet's desire to connect all his heroes together, to bring all his figures 'into one plane,' as Mr. Carlyle says, and make of all past and present history an impressive group with the latest hero as centre thereof.

But it is with the most striking of the pageants described by Strabo and Tacitus that the Northern Lays are most intimately connected, namely the *Triumph of Germanicus*. Tacitus has his eyes so fixed upon his own hero, in Ann. ii. 41—where he shows him passing in his car of glory with his five children—that he does not turn to look at the captives in his train; but he has not forgotten them entirely, for elsewhere he sets before us, in his noble way, the captive wife of Arminius as she looked when first taken by the Romans, betrayed by her treacherous kinsmen, out of hatred to her hero husband. *Inerant feminae nobiles, inter quas uxor Arminii, eademque filia Segestis, mariti magis quam parentis animo, neque euicta in lacrimas, neque uoce supplex, compressis intra sinum manibus, grauidum uterum intuens.* [Tac. Ann. i. 58.] But it was not, as we know, the fruit of her womb, but the kinsman Goth that was to avenge her wrongs on the proud city.

Strabo it is that describes the captives' car (vii. 4), in words written before the news of Arminius' death, A.D. 21, had reached him, and therefore within, at most, a few years of the 26th May, A.D. 17, the date of the triumph, as Tacitus records it, no doubt from the official Acta. Strabo may well indeed have witnessed the triumph with his own eyes, for he knows the captives' names and records them, and one would like to think that he took them from the tablets, which, according to Roman wont, were raised above each group of captives that was borne along in the conqueror's train.

There were, says he, Segimond, son of Segestes leader of the Kheruskoi, and his sister the wife of Armenius . . . named [Thousn]elda [corrupt as noted], and their three-years-old son Thoumelikos [a non-Teutonic name; born in captivity, he would

get some such nickname]. Moreover there were Segi-thakos¹, son of Segi-meros, the captain of the Kheruskoi, and his wife . . . daughter of . . . the captain of the Khatti, and Deudorix the Sugamber sister's son of Melon, and Segestes the father-in-law of Armenios . . . [the traitor whose treason crippled Armenios' power], and Libes [one would read Gribes or Gripes, the Northern Gripir²] priest of the Khatti . . . , and people from the vanquished tribes—Khaulkoï, Kampsanoi, Brukteroi, Usipes, Kheruskoi, Khattoi, Khatt-uariol, Landes, Tubattioi [the muster-roll of the tribes that the Romans had come across or who fought with Armenios in his league against Rome].

The day that saw this procession of prisoners pass through the streets of Rome was, we take it, the birthday of the poems that have handed down Sigfred in tradition. And we may even get some confirmation of this from the poems of far later day that have reached us.

Old Northern poetry is by no means of a sentimental cast, and it is an extraordinary phenomenon that there is, among the Eddic Lays, a whole group of poems of so marked a diction and character, that we long ago separated them from the rest and dubbed them (for they are anonymous) the Lamentation Lays³.

The *framework* in which these Lamentations are set is peculiar. Either Gudrun, Sigfred's mourning widow, is made to recount the sad tale of her woes, their recital forming the body of the poem⁴—in a second type, a company of mourning ladies, who have known captivity and widowhood, are vying with each in unfolding their sad histories, all giving way, however, to the surpassing sorrows of Gudrun⁵—or, in a third type of Lay, we have Gudrun and Theodric in exile, telling each other how they had been buffeted by fate's hardest blows⁶. There is yet another type, in which the lamenting lady is Brunhild (Bk. V, § 2). Now there is absolutely no framework at all like these in any poems but those of this single group; though there are many Lays that deal with tragedies and the Fall of Princes, 'sad stories of the deaths of kings' being the subject of the

¹ Σεσίθακος in Strabo's corrupt text; we prefer Segisdag (like Svipdag) to Segithank; for *thank* (Norman Tancred) is seldom used as second element.

² Gripi of the Eddic Lay (C. P. i. 285) seems to be a priest, for Sigfred comes to him to inquire about his future fate.

³ See Corp. Poet. i. lxx.

⁴ Ib. i. 329.

⁵ Ib. i. 324, ii. 531.

⁶ Ib. ii. 531, i. 315.

bulk of them. And does not the true explanation of this peculiarity appear in Strabo's words? He tells of captive ladies sitting together in the car of humiliation. He speaks of Arminios' wife and Deudorix [Theodric] as together in the conqueror's train. Many a Teuton mercenary must have seen them pass; we have only to fancy one poetic mind among the prisoners or their sympathetic beholders, and the fire would flash from the flint of fact into the flame of poetry. It is not hard to believe that Lays such as Tacitus speaks to as sung in his time, must have been provoked by the sight which moved Strabo in the midst of his carefully compressed scientific work to digress into full description.

The striking coincidence which has mixed up Theodric the East-Goth with Theodric the Sugamber, and made the lord of Verona one with the earlier captive of Ravenna, a confusion which popular poetry would of course have raised between them, must not be passed over. This earliest Theodric was no mean person; he is a chief of that fierce untameable race, which Horace and the Romans of his day speak of with a kind of shuddering dread: *feroces* and *caede gaudentes*, are the epithets the Augustan poet uses (Odes, Bk. iv, written, as Professor Nettleship shows, about B.C. 15, when the struggle with them was fresh news at Rome); and Ovid (Am. i. 14), and later Martial (i. 3), uses Sugamber as a national name, as we might say German.

In fact in the Theodric of Bern of later medieval tradition (such as we find him in Wilkina Saga) there are mixed up a mythic Theodric (upon whom we believe Professor Rhys will be able to throw fresh light), as well as two historical Theodrics of different dates, tribes, and histories. The name was too much for the popular historian: no doubt the Roman ballad-monger only knew one Scipio.

It is curious that the Excerptum Valesianum makes Theodric the Ostrogoth 'son of Walamir,' while the Lamentation Lays and later tradition only knew their Theodric as son of Theodmere¹. This too is susceptible of explanation. The Monumentum Ancyranum, accessible to all in Mommsen's recent edition, supplies it. Where Augustus speaks of the kings who came as suitors to him, 'supplices ad me confugerunt,' he mentions a king of the Marcomanni

¹ See Corp. Poet. i. 322, l. 11; Jordanes gives the traditional pedigree, and it is possible he may be right. If so we have a pair of names, father and son, in each pedigree.

and Suebi named—and here follows a blank in both texts, Greek and Latin, with space in the Greek for thirteen letters, in the Latin for nineteen.

MANΩN | ΡΟΣ ΠΡΟΣ ΕΜΕ ΠΑΡΘΩΝ, etc.
while the parallel Latin runs

MANORVM SVEBORVM |] HORVM.

These blanks just overlap, and from one we get help to fill the other. We therefore, with all assurance, read in the first

MANΩN ΣΟΥΗΒΩΝ¹ ΡΟΣ ΠΡΟΣ ΕΜΕ ΠΑΡΘΩΝ,
and in the other

MANORVM SVEBORVM RVS AD ME REX PART]HORVM,
leaving a space of six letters in the Greek, five in the Latin, -ros being all that remains of the King's name. We have to start with—(a) a knowledge of the exact number of letters the name took in both texts, eight in the Latin, nine in the Greek transcript : (b) a certainty that the word we seek was a compound name of two elements of the ordinary German type, the letters being too many for a single monosyllable name : (c) the fact that the final letter (*auslaut*) of the second element was P. Let us take first the latter element of the compound, which we can easily supply ; our -*mere* gives it. We may therefore write in -ΜΕΡΟΣ or -ΜΑΡΟΣ, and gain two letters more. The only competitor, -*here*, -*hari*, it cannot be, for that would have given -ΡΙΟΣ or -ΡΕΙΟΣ, and in that case not P but I would be the first of our three remaining letters.

But what is the first element of the compound, which must give four letters in Greek and three in Latin ? Let us turn to Tacitus, Germ. ch. 42, as Mommsen does, and there in a passage (drawn from this very Monumentum in all probability, though not directly) is a Marcoman king TVDRVS. Now setting aside the ending -RVS, whence, by some accident (such as being at the end of a line in the single archetype), two letters have fallen out, we may read and restore Tud-merus. Tud-, as first element, is exactly what we want ; being ΤΟΥΔ- in Greek, TVD- in Latin. And thus we fill the remaining blanks with

ΤΟΥΔΜΕ or ΤΟΥΔΜΑ

and

TVDMΕ or TVDMA.

¹ Mommsen's transcript has here, by a slip of pen or printer, 8 dots instead of but 6 (13-7=6).

And here we have a king Theodmar or Theodmere, the very traditional name of Theodric's father, reigning over the Marcmén and Suebi, at a time precisely fitting our chronological requirements. It is this Theodmar that is given in the Eddic Song as the father of Theodric. Tacitus says 'Down to a time within our own knowledge, the Marcmén and Quads [who here take the place of the Suebi] have had kings of their own race, the princely race of Maroboduus and Tud . . . rus.' Now this implies the kinship of these two, and we are not surprised at the common element '-mere' occurring in both, once as prefix, once as affix.

Thus we now know the names of three successive kings of the Swebian League, (1) Ariovistus, called 'rex Sueborum' by Nepos his contemporary, (2) Theodmar, (3) Maroboduus.

It is worth digressing a moment here to notice the curious way in which Teutonic names have reached us. We can distinguish four stages:—

The *first* through the Celtic tongues; e.g. Ariouistus, Germani and other names, which reach us through Caesar. These names come from an age when the Romans first knew the Teutons through their Celtic neighbours.

The *second* from direct Roman sources in the poor Roman orthography with its inadequate vowel-system. Such are all names from the Drusus and Germanicus campaigns, and the following times down through the Augustan Historians to the first thirty books of Ammianus. Whether the authors of this time be Latin or Greek makes no difference, the Greek gets his names from Roman sources. He simply copies Latin inscriptions. Hence, though Strabo had a good alphabetic system, which he could use, he has never heard the actual Teuton words he sets down, and just transliterates the Latin. For instance the Greek Θ would express Teuton þ, but as the Latins had only τ to use for it, Strabo will use a τ, not his own Θ. So Dion's Χαριο- (Book lxvii. ch. i.) is simply a transliteration of Latin Chario-: for it does not follow that the old Teuton aspirate was the same as χ. Strabo's and Dion's Σεγέστης is Latin Segestes; though Σεγέσθευς would do better.

The *third* stage is when Teuton names came through Greek sources. It begins with the Teutoni-Gothic inroad on the Lower Danube, and is the system followed by Ammianus (himself a Greek) in his XXXIst Book, and all his successors, Procopios and the

rest. In them we have an adequate process of transliteration, and a correcter representation. Such names as Alatheus (Amm. xxxi), Theoderic, Theodegotha (Excerpt. Vales.), and many more, show by what route they came.

A *fourth* stage is reached when we have Teutonic writers like Jordanes and Paul and Bede writing their own native names; when at last we reach Charters in English and in Gothic, written by Englishmen and Goths.

Even the transliteration of Teutonic names must be dealt with historically if we would enable philology to be profitably applied to it.

Reverting for the last time to Strabo and his muster-roll of the captives in the prisoners' car, we may still glean a few indications of the persistency of history in tradition. We have spoken above of Libes and Theoderic, let us turn to the women's names.—For 'Ramis,' the name given to one of the captive ladies, one would fain read 'Randis,' and identify its bearer with the Gold-raond of the Lamentation Lays (C. P. i. 325, l. 43). The name is only found there in Northern poetry, and it is striking enough to be preserved in popular song, especially as it is made to alliterate with Grimhild. As we find no names in 'Gold-,' her real name may have been Randwih, or the like.

It would not be right to pass over one difficulty. How is it that we have not the name of Sigfred's wife rightly given in the Northern Lays (for Strabo's 'Thousnelda,' as aforesaid, is to our mind a scribe's mis-writing for 'Grimhilda'), while the German poems have always preserved the right name? Probably it was that confusion with the Ermanaric cycle, noticed above, which mixed up the sorrowing mother of Swanhild with the woeful widow of Sigfred. There is trace of the true name in the 'Grimhild' of the Lamentation Lays, who is made a poisoness and witchwife like Saxo's Gudrun. In a future edition of the Lamentation Lays, one would almost be tempted to interchange Gudrun and Grimhild, and restore Sigfred's wife her right name.

Such is a brief *résumé* of the reasons which have led the author to identify the Sigfred of tradition with the Arminius of history. Separately none (save perhaps that of Cheruscus=Heorscr) might be conclusive; but taken together, it is submitted that they make up a fair case, and one worth careful consideration. It is

impossible to answer in advance every objection that may be raised to the view here set forth; but there is one which one may foresee and encounter at once. 'Why is it that Lays, which speak of Sigfred's death, and love, and birth, utter no word of his great victory? Should we not expect such an event to be made much of, if your hypothesis be true?' Our answer must be, that it is not the fame of Sigfred's victory (which, great as it was, cannot have appeared to his contemporaries so important as it does to us, who know its consequences) that would strike the popular poet; it would be his 'tragedy,' that irony of fate, which never fails to call forth the popular sympathy: for, the Muse of Song is rather the Child of Pity than of Pride. It is not of the victor of Austerlitz, or of Jena or of Marengo, that the poets have chosen to sing, but of the exile of St. Helena, the 'desolator desolate': to them the parting of Napoleon and Josephine is a finer motive for song than that marriage with Marie-Louise, which, in his own idea, put the apex on his glory. The sudden fall, the treachery of kinsmen and comrades, the woe of the widow (twice widowed, first by captivity, secondly by death)—these are the themes that were sung by the poets who had seen the triumph of Germanicus, and sought to perpetuate the fame of Sigfred.

History—bald, prosaic, half-blind history—does not, it is true, look at great deeds as the poets do; and Göthe's words are only true as far as the pedestrian muse goes:—

'Allein die Thränen, die unendlichen
Der überbliebenen, der verlassenen Frau
Zählt keine Nachwelt, und der Dichter schweigt
Von Tausend durch-geweinten Tag und Nächten.'

But among those who looked to song and story for the history of the past, the fame of 'King Hannibal' (as an Icelandic story-book calls him) and Duke Hector long eclipsed the glories of Scipio and Achilleus.

The acceptance of our hypothesis would have some serious effects: it would do away with a mass of sentimentalities that has been poured out about 'Hermann,' 'Herman Schlacht,' in verse and art. German patriotism must either go back to the real flesh and blood man, as he was known to and described by chivalrous enemies; or, if she prefer to take a popular traditional view, she may in the future look up to the hero of the Nibelungen Lied and the

Eddic Lays as something more than a German Rama or Cuculain, as a real national hero with a place in history and legend beside Leonidas or Alexander.

Holding, as the author does, that such heroes of tradition as Sigfred must have a human basis, it has been no irksome toil to him to dig down to the foundations on which poetry has built so lofty and lasting an edifice, and to have endeavoured to prove that the Eddic Heroic Lays are historical, Fact and Fiction crossing in them like warp and woof in a piece of tapestry. Sigfred takes his proper place at the head of a long line of heroic kings and leaders, who culminate in Charles the Great. Surely too it is a distinct gain to be able to fix within certain limits of time and space the origin of an epic cycle, so momentous to our race as are the Lays of Sigfred.

II. THE DETAILS OF THE DEFEAT OF VARUS.

Superbiter contemptim conterit legiones.

THE defeat of Varus is an acknowledged turning-point of the world's history; yet precisely how it came about has never been very clearly set forth. In the course of re-reading lately the classical historians who have treated of Arminius and the German wars, the author was struck by certain expressions that seemed to point to a peculiar mode of warfare being practised in early Germany, which he was familiar with from notices in Scandinavian history. It is with this, as not altogether ungermane to the subject of the first pages of this little pamphlet, that he now proposes briefly to deal.

For a description of the defeat of Varus we must rely on Dio's and Velleius' (for Florus is good for little) accounts, which, vague as they are, yet give enough detail, when compared with Dio's earlier account of Drusus' narrow escape, with Caesar's own very full and clear description (twelve chapters long) of his dangerous and hard-fought encounter with the Neruii, and with Livy's brief but helpful narrative of L. Postumius' overthrow by the Boii in the Silua Litana, B.C. 216, to put one on the right track. The conviction gains upon one as one reads that on all these occasions the Romans were met by the same tactics, which failed twice and twice succeeded. They seemed to have failed against Caesar simply because the Romans were so strong in numbers, Caesar practically acknowledging that his four legions were almost hopelessly entangled in a position from which nothing but the opportune succour of two fresh legions could have saved them.

There are luckily, both in the Icelandic Kings' Lives and the later history of Sweden, passages which give some account of Teutonic wood-warfare (called *broti*, *fella brota*), and explain, from the side which Roman historians naturally could not take, the exact strategy which was employed to check Caesar and Drusus, and crush Postumius and Varus.

The classic accounts in Dio (Bk. liv. ch. 33 and lvi. chs. 18 sqq.) are well known; it is only necessary to quote here a few lines from Livy xxiii. 24, which may be then set side by side with those we shall cite from Scandinavian authorities. 'Silua erat uasta—Litanam Galli uocabant—, qua exercitum traducturus erat. Eius siluae dextra laeuaque circa uiam Galli arbores ita inciderunt, ut immotae starent, momento leui impulsae occiderent. Legiones duas Romanas habebat Postumius sociumque ab supero mari tantum conscripserat, ut uiginti quinque milia armatorum in agros hostium induxerit. Galli oram extremae siluae cum circumsedissent, ubi intrauit agmen saltum, tum extremas arborum succisarum impellunt. Quae alia in aliam instabilem per se ac male haerentem incidentes ancipiti strage arma uiros equos obruerunt, ut uix decem homines effugerent.'

The best Icelandic passage comes from 'King Hacon's Life,' written in Norway forty years after the events therein described, which took place January 1225¹:—

'After this there came men to the King [Hacon] telling him that the Werms had *felled the forest* in front of him, hard by the church that is called *New-kirk*. Then the king sent forward an hundred horsemen and bowmen, and when they came to the *broti* [abattis, a defence of felled trees] they found but a few men holding it, and soon drove them away. Then they cut through the *broti* with poleaxes. And all the while the king had watch kept, lest any onslaught should be made upon the flanks. And the most of those that rode in the van with the king got through the *broti* quickly. But afterwards men led their horses over the *broti* to the part where it was thinnest. News was brought to the rear-guard that the king had got through the *broti* and was fighting the Werms. Then the mass of the host rushed forward to the *broti*, and there arose a great tumult as the sledges got broken. [It was winter and there were many sledges.] And when the king heard the noise, he and his men [the van] thought that they [in the rear] must be engaged, and turned back as fast as possible, and there had wellnigh been a great mishap before the men [of the two divisions] recognised each other.'

No passage could show better the danger of a *broti* even to a host that passed through it unopposed.

¹ Following the Scalholt-book Text in my Rolls' Series Edition.

In Magnus Erlingsson's Saga (Fms. vol. vii. year 1174), we are told:—

‘The Birch-legs [a Norwegian party nickname, made famous by King Swerri] fought three pitched battles and won the victory in all; but at Croke-shaw they came nigh to a mishap; for the Franklins gathered a mighty array against them. But the Birch-legs felled them a *broti*, and then ran off into the forest.’

In 1178, as King Swerri's Life reports: ‘Earl Cnut was minded to go after him into Werm-land; but the Werms upset his plan, for they said that he should never have journeyed a worse journey, and felled a *broti* for him in the forest; and so he had to turn back withal.’

In the same year Swerri came to the Dales of Sweden, where the good folk had never seen a king, and did not know ‘whether he was a man or a beast.’ ‘And when he came to Iarn-bera-land [Iron-bear-land, the present Dalecarlia] there was a great gathering of men against him. They felled a *broti* against him, and said that they were not used to have kings passing through their land, and that they would not have it now. Then the king rode forth to them, and talked with them, and the end of their parley was, that they let him go where he would, and gave him all the furtherance they could.’

So far the older authorities. We now come to more modern evidence. There is a great and ancient tract of forest, called Twi-wid [Twi-wood or Twin-wood, the parting wood] between Sweden and Goth-land, on the neck that parts the lakes Wenern and Wettern, where there must have been many a fight in olden days of heathendom between Sweons (Swedes) and Goths. In 1470 Christiern the First tried to take the Swedes in the rear by breaking through upon them here, but the Swedes felled a *broti* in Twi-wood and repulsed him.

But the last time this old stratagem is described is a notable one. Christiern the Tyrant's disciplined army, led by a Danish nobleman, in which there were excellent mercenaries, Swiss and Scots besides the king's own trained men, invades Sweden, attacks the Swedes by the same road in the winter of 1520 (that *annus terribilis* which led, however, to the following *annus liberationis* for the Swedes). It looked as if the young commonwealth must perish. In the words of the Chronicler Olaus Petri¹, ‘The

¹ In Dr. Klemming's Edition.

Swedes had made a *broti* there for them. On Candlemas Eve King Christiern's people attacked the *broti*, and gat great scathe there. Yet, at the last they were led round the *broti* and so overpowered the Swedes, and beat them from their *broti*.' The events which followed this memorable fight, and the death of the brave young Swedish Regent Sten Sture, interesting and important to European history as they are, we must not stop now to dwell on. It is lucky that the interest raised by this episode of the war was sufficient to cause a sketch of the *broti* to be made in Gustaf Wasa's day, and there is an engraving of it in Vittensk. Hist. Ant. Acad. Hand. iii. 1793.

The description annexed gives a clear account of the formation of a *broti*. It is made in a forest of big trees (mere scrub or wild ground will not do) across a road or pass by which the enemy's army is expected to come, by felling a line of trees so that they make a rough *abattis*.

Ennius' vigorous lines might describe the opening scene—

Incidunt arbusta peralta, securibu' caedunt,
percellunt magnas quercus, exciditur ilex,
fraxinu' frangitur atque abies consternitur alta,
pinus proceras peruortunt.

This line is manned by artillery (bowmen or the like) in front, and on either side of it long flanking lines of felled trees stretch away at a slight angle to prevent the *abattis* being turned. Along each side of the road leading to the *broti* itself, a line of trees parallel to the road is either cut down or better half cut through, in such fashion that a small number of skilled woodmen could bring them down in a few minutes, exactly as Livy describes it above. These lines are of course manned directly the van of the enemy advances towards the *broti*, and the engagement begins. At the signal agreed on the falling of these trees closes the trap. The invaders must either push on—and even if they carry the first *broti* across their path, probably be pulled up by a second and third—or they must retreat in confusion back through a narrow gorge lined by the enemy's picked soldiers, blocked by the felled trees on all sides, and pursued by the men who had manned the *broti*. If the defensive force were but enough in number to keep the flank and parallel lines, once the enemy had got well engaged between the side-*brotis*, his defeat was almost certain. The corrals

used on a large scale for big game, as to-day in Africa, must no doubt have suggested the stratagem. The Romans were lucky to have escaped twice. Do not let us join Augustus in blaming the unhappy Varus, who was probably no worse than any other average Roman officer of experience. Suppose some Neruian spear had stricken Caesar, or half an hour's delay or less prevented the timely arrival of the two legions that succoured him, we should be told that Caesar was but another Catiline, a successful demagogue but an inexperienced foolhardy general, who rashly courted the fate that deservedly befell him.

The Romans met two natural phenomena in their German wars which disconcerted and appalled them,—the Ocean, with its apparently aimless and unaccountable tides and tempests, and the Forest, dreadful, difficult, *Hercyniæ Sylvæ roborum uastitas intacta ævis et congenita mundo*, as Pliny¹ happily puts it; a forest of hardwood timber that covered all middle Germany from Heluetia to the Elbe, that ran out in branches to the plains of Lithuania—where its last remnants, shrunk but still marvellous, are to be seen—a deep, dark, pathless barrier, covering hill and dale, river-plain, and mountain slope, interrupted only here and there by swamp and marsh where the springs stagnated among the fallen tree-trunks—

Siluarum saltus, latebras lamasque lutosas ;

while beyond these 'close, thick, dense, bush-topped unbroken impassable forests of the West,' as the Irish tale-teller calls them², as beyond Ocean, lay the Unknown, peopled, yet centuries afterwards, to the medieval imagination with 'gorgons and hydras, and chimæras dire.' We who only *read* of the green leagues of unbroken woodland in South America, and of the vast spaces cleared within this century by the lumberman and the settler in North America, can form little idea of the impression this great wood made on the Roman mind, and the actual difficulties it presented to an advancing army; for the American woods were not manned by Cherusci, or Chatti, or Marcomanni, we must remember.

The fame of Arminius is not lessened by the fact that he was not the discoverer or inventor of the plan that led Varus to his destruction, but rather increased by the knowledge that it was to

¹ Plin. xvi. ch. 2.

² Battle of Ventry, Meyer; Oxford, 1885, l. 820.

his genius and perseverance, in uniting the warriors of different tribes into a war-league sufficient to man the positions he had chosen and made use of, we owe the defeat that set a bound beyond which the eagle indeed again advanced, but the legionary never more.

CHRONOLOGY OF ARMINIUS' HISTORY.

A. U. C.

- 738. Arminius born. (Tacitus, Ann. Bk. ii. 88.)
- 741. M. Lollius' defeat, 'clades Lolliana.'
- 742. *Drusus' First Campaign* on Lower Rhine (Holland and Frisland). Fleet co-operating caught by storm. (Dion, liv. 32.)
- 743. *Drusus' Second Campaign* in Cheruscan-land, route given by Dion (liv. 33) by way of Lower Rhine, crossing Lippe, then marching through the Sugambri into the land of the Cherusci, where he is nearly defeated in the 'broti.' Establishment of large camps, one on R. Lippe (Lipsborg) near the sources of the Ems, a few miles north of Soest, and one on M. Taunus near present Wiesbaden. (Dion, liv. 33.)
- 744. *Drusus' Third Campaign*, given by Dion, by the Southern Route, starting from Wiesbaden, north-eastwards through Chatti (Hessen), and thence striking upwards into the Cheruscan-land, crossing the Weser, towards the Swabi (on the Elbe). (Dion, lv. 1, and Florus.)
- 745. Drusus' death (Dion, lv. 1). Ten years of peaceful Roman sway begin. (Flor. ii. 30, § 27-28.)
- 746. (? ommsen) Maelo the Sugamber king and Theodmere the Swebian king seek refuge with Augustus, ad me supplices confugerunt (Mon. Ancyr.)
- 747. Tiberius on the Rhine (Velleius).
- 748. Tiberius sent to Rhodes.
- 754. A. D. I.
- 755. Rising in Germany (Vellei. ii. 104). End of ten years of peace, Arminius probably serving with the Romans.
- 757. *Tiberius' First Campaign* (in which Velleius serves) in the Cheruscan-land, encamping for the winter, 757-8, at the sources of the Lippe (Lipp-spring). (Vellei. ii. 105).
- 758. *Tiberius' Second Campaign* (in which Velleius serves), with co-operation of fleet starting from the Rhine mouths and sailing up the Elbe to meet the army (at Magdeburg?). (Vellei. ii. 106, Mon. Ancyr.)
- 759. *Tiberius' Third Campaign* against Maroboduus, frustrated by the rising in Pannonia. (Vellei. ii. 109.)
- 759-761. Varus in Germany among the Cherusci. (Vellei. ii. 117, and Dion, lvi. 18.)
- 762. The *Varus Catastrophe*; 17th, 18th, and 19th Legions with three wing squadrons and six cohorts were put to the sword. (Dion, lvi. 19-22; Vellei. ii. 117-120; Flor. ii. 30.)

767. Augustus dies. Tiberius succeeds. Germanicus on the Rhine.
768. *Germanicus' First Campaign* in revenge of Varus. Arminius' queen and other noble Teuton ladies fall by treachery into the hands of the Romans. (Tac. Ann. i. 58, 59.) Caecina at Teutoburg. Battle with Arminius. (Tac. Ann. i. 59-61.) Thoumelicus born in captivity.
769. *Germanicus' Second Campaign*. Battle on the Weser. Wreck of the Roman Armada. (Tac. Ann. ii. 18-25.) Tiberius recalls Germanicus.
770. May 26. *Germanicus' triumph* at Rome. (Tac. Ann. ii. 41; Strabo, vii. ch. 4. etc.) Livy dies, writing up to the last, but ending his main work at the year 745.
- 770 or 771. Strabo writes Bk. VII of his Geography.
- 771-772. Arminius wages war with Maroboduus. (Tac. Ann. ii. 45, 46.)
772. Germanicus dies. (Tac. Ann. ii. 72.)
773. Maroboduus, defeated by Arminius, yields himself up to Tiberius and becomes a Roman state-prisoner. Tiberius' oration in the Senate (exstat oratio), whence Tacitus draws his account on the Suebian king. (Tac. Ann. ii. 62, 63.)
774. Arminius treasonably slain by his kinsfolk, after twelve years' rule. (Tac. Ann. ii. 88.)
776. Pliny the Elder, the author of '*Bella Germaniae*', born.
783. Paterculus writes his History.
791. *Ludibrium*, end of Thoumelicos². Maroboduus dies? (Tac. Ann. i. 58.)
851. Tacitus writes Germania.
- c. 863. Tacitus compiles the first books of the Annals, using Pliny's work, Teuton Camp-songs, Acta Senatus, and many other sources.

¹ Pliny Ep. iii. 5; Tac. Ann. i. 69. *Nominis umbra* is, however, all that remains of what must have been an important work.

² Thoumelicos is *τιέρης* on May 26, 770, yet he cannot have been more than two years and two or three months old, unless (which is not impossible) his mother was captured in the autumn of 767. The fate of the boy, and the *ludibrium* (whatever the details) strangely recall the story of Philip, eldest son of William the Silent, as told by Motley.

III. PLACE OF THE HELGI LAYS.

*Hlaðnir vóro þeir hælða oc hvítra skialda,
Vigra Vestrænna oc Valskra suerða.*

IN the Corpus Poeticum arguments were brought forward to show the western origin of certain groups of the Eddic songs. At the time these were urged, it was rather with the northern islands of the great British group that we were dealing, the Hebrides, Orkneys, Man, and the like; but it cannot be denied that there are in one section of the Eddic Lays certain romantic sunny characteristics, which seem alien to those northern latitudes; and we have lately hit upon an explanation, which, we hope, will enable us to fix the geography of just this section.

In the preceding paper (I) it has been shown that traditions of Old Saxony of the Cherusicans and Hessians have been transplanted into Northern Lays, snatches of old South Teutonic song thus being preserved by Scandinavian poets of the Wickingtide. How this may be accounted for by the mixed crews and wandering career of the great Wicking fleets, which plundered and settled along the coasts from Iom to Limerick. The word 'Edda' of a Genealogic Lay, occurring precisely where in Old Teutonic continental tradition we find Mother Earth, 'Erda,' has been noticed in the Corpus Poeticum (ii. 514-15).

But we get traces of the more western wandering of the great fleets in the phrases of Hoarbeard's Lay—

I was in Gaul warring,

and in the mention of 'the sons of Hlodwy' (Corp. Poet. i. 153, l. 32), Hlodwih being a Frank name.

The group of poems, which of all others is most distinctly southern in character, and marked off from the rest by peculiar forms of thought and incident, is that which we have called, by the name of the heroes it celebrates, the Helgi Lays. (Corp. Poet. Bk. III.) Are there any traces by which we can fix their *locale*?

We think so. In their 'Warinsey' we see *Guernsey*. In Warinswick (p. 153, l. 42), Warinsfiord (p. 134, l. 103), the first part of the name is repeated and emphasized as it were. It has long been known that the nomenclature of the Channel Islands is largely Northern. The very shoals and rocks bear Norse names. That Warinsey itself is merely a 'Normannization' of an older local name, is very likely, but the termination '-ey' is distinctly Norse, and the whole name as it stands is Northern in form.

The roll of islands in the great naval expeditions of the Wicking-tide is immense. The Orkneys, from Man, from the Holms, from Thanet, they used as their depots, their magazines, their advance posts whence they could dash out when they pleased upon the defenceless mainlands. It was from the Channel Islands, we doubt not, that Normandy was conquered by the Northmen; as it was from Sheppey, Thanet, and these same islands, that the earlier Wicking-tide of the Saxons flowed upon Britain and Gaul. The Saxon settlement at Bayeux is the clear result of these earlier Teutonic armadas, the history of which is repeated in the Scandinavian invasions.

The Warins-firth of the poems we should take to be the Sound between the Islands, and Warins-wick to be the great gulf or bay which lies between the Cotentin and the Brittany coast. In a wider sense, Warins-firth might even stand for the whole Channel. Channels are a characteristic feature of the British Isles. The Northern Wicking, in lack of a better word, designated them by *fjords* (*firths*); thus they call Petland's firth, i. e. the firth of Pictland, Friðareyiar-fiord or Fairhill-firth, i. e. the channel between Shetland and Orkney. West-fiord is the channel between the northern and southern group of the Orkneys; Scotlands-fiord the Minch. So the Channel appears in the Irish tales as the Sea of Wight, the Iccian Sea.

Hata-fiord [Hate's firth] unidentified elsewhere, should probably be looked for in this quarter. It may mean the narrow seas between Dover and Calais. Iorua-sound again is a suspicious-looking name, rather too like the better known Niorua-sound [Gibraltar Straits] to be quite safe.

The sudden furious gale described in the Lay (ll. 80-122, 198-207) would well befit the 'chops of the Channel,' as an old sailor once told the writer, 'a sou'wester there is the worst of all gales.'

The sudden storm that fell upon the invading fleet of the 'King of the World' in this very place in the Irish tale of the Battle of Ventry, is curiously analogous to the storm in our Helgi Lay¹.

The isle of Warinsey occurs only in these poems², there is no other place bears the name; and this is noteworthy. There are not wanting slight traces of what look to be other place-names in the Channel Archipelago. Ships lie out in 'Sogn.' (l. 204). Saigne Bay in Sark would be the natural identification (rather than the river Seine). Twice too in corrupt lines we light on the syllable 'Herm':

Með hermdar hug her könnuðu [l. 122].

and

Hui es hermdar litr a Hniflungum [l. 197].

In neither line is there any right sense; we suspect a *place-name* to be hidden beneath, and should not be surprised if the lines originally ran somewhat in this way:—Af Hermðar haug her könnuðu, i.e. They mustered the fleet from the hummock (howe) of Herm: and perhaps, though diffidently—Hui es Hermd hult af Hniflungum, i.e. Why is (the isle of) Herm all alive with men? which would then be the speech of one in the fleet, spying the host on shore.

The vivid picture in the Helgi Lays of the muster of the mighty fleet, fragmentary as it is, admirably suits these islands, which no doubt must have witnessed again and again in the Wicking days great gatherings of heathen armadas about to set forth to the Seine, the Thames, and the Shannon. No place in the whole Western Geography is better fitted for such a purpose than the sound, 'Iorua-sound,' between Guernsey and the islets of Herm and Sark. On the high hummocks above the present St. Peter's port the kings may have stood and watched the vessels sail by in order, precisely as in the poem. That such musters should form an incident in a Wicking poem was but to be expected.

There is in the famous and beautiful scene at Swold in king Olaf Tryggwason's Saga, told in Snorri's finest way³ (a scene which

¹ There are many Northern sea-words in this part of the tale. K. Meyer notes beirling, but there are also bord, ás, stagh, tili [þiljor], and others.

² Helgi Lay, l. 154.

³ See Icel. Reader, p. 164.

we cannot but feel is epic not historical), an echo of such a poem as our Helgi Lay. Nay, it may even be that this scene was taken from this very poem we have in so maimed a condition, the adapter knowing the original in its complete form. In it we are shown the three kings standing on an island and watching their foeman's ships pass one by one, each more stately and splendid than its foregoer, before the battle that they had plotted and planned for. The lustre that is shed over King Tryggwason just before his tragic fate, the words of wonder and scorn that are spoken, all these are epic material, drawn from an epic source, and admirably fitted to the subject the historian was treating.

One interesting point may be noted in this connection. The Islands off the Celtic lands were the haunt of the wise men and women of the old, probably præ-aryan, druidic religion, the lair of the medicine-men and witches, who are spoken of by the Roman historians and in the Irish legends. There are many megalithic remains in the Channel Islands. Heathendom died hard there; not the British saints, not the Frankish emissaries of the great Charles himself could have entirely uprooted the older belief. The Kaiser had no fleet. We might expect to find in these Helgi Lays, if anywhere, a mention or two of the strange superstitions, new to the sturdy Northern pirates, who like the Elizabethan sailors of a later day, half mocked, half believed in the unhallowed rites of the new nations they came across.

Thou wert a sibyl in Guernsey
Deceitful hag, setting lies together,

says Sinfitela in his flying¹—and the allusion would fit a half-heathen witch-wife such as 'set lies together' on the blasted heath and lured Macbeth to murder and death. She would have sold winds and given oracles to the Wickings, whom she would certainly be as ready to deal with as with her Christian countrymen.

Mela, the Spanish-Roman geographer, writing twenty-five years after Strabo, exactly at the time Claudius was in Britain², gives a passage which has, we believe, a very direct bearing upon the poems of the Wicking-tide, and the connection of certain of these poems with the coast of Gaul.

Insula Sena, he says, *in Brittannico mari, Osismicis aduersa*

¹ Helgi Lay, 154-55.

² Mela, iii. 6; Dio, lx. 23.

litoribus, Gallici numinis oraculo insignis est, cuius antistites, perpetua uirginitate sanctae, numero nouem esse traduntur. Barigenas (or Bargas) uocant, putantque ingeniis singularibus praeditas, mari ac uentos concitare carminibus, seque in quae uelint animalia uertere, sanare quae apud alios insanabilia sunt, scire uentura et praedicare: sed non nisi deditas nauigantibus, et in id tantum, ut se consulerent, profectis.

With this passage it is worth comparing several of the more striking verses of the Helgi Lays, and of these poems which (for reasons given elsewhere) we have ascribed to a 'Western Aristophanes,' relating to mysterious half-human half-supernatural Walcyries, riding through the air in groups of nine, acting as guardian angels to sailors, who come to heal wounded wickings, and who have the knowledge of dreams, the power of stilling as well as of raising tempests.

In the Lay of Atli and Rimegerd (58-61), for instance, one notes the lines,

Hina viltu heldr, Helgi, es réð hafnir scoða
 fyrri nótt 'med from'
 'margollin' mær mer þótti afli bera,
 her sté hon land af legi
 oc festi sú yðarn flota:
 Hon ein því veldr . . .

which we may render, 'Thou wouldst rather have her, Helgi, who was watching on the haven last night . . . maid, who overbore me; she landed here from the water, and moored your fleet. It is her power alone withholds me from killing the king's crew.' And the hero answers,

Vas sú ein vættr es barg æðlings scipom,
 eða fóro þær fleiri saman?

'Was it one being alone that took care of my ships, or were they more together?'

Þrennar niundir meyja: þó reið ein fyrir
 hvít und hialmi mær,
 marir hristosc: stóð af mænom þeirra
 dægg í díupa dala
 hagl í háva viðo,
 þaðan coemr með ældom ár.

'Three nines [groups of nine] of maids,' comes the answer, 'but one rode foremost, a white maid enhelmed. When their steeds

reared they shook from their manes dew into the deep dales, hail upon the high woods, thence come fair seasons among men.'

The curious 'margollin,' which we cannot explain in the old Northern tongue, recalls the Celtic *mur-gelt*, a mermaid or sea-being.

Again, in the *Cara Lay*, there is a Walcyrie flying to meet the hero, and astonishing him by her knowledge. Helgi asks her how she knows him. She answers—

Leit-ec þic um sinn fyrr á lang-scipom
þá-es þú bygðir . . . blóðga stafna,
oc úr-svalar unnir léco.

'I saw thee time ago on the war-ships when thou . . . hadst thy quarters at the bloody bows, and the ice-cold waves played about thee.'

In the *Sigrun Lay*, after the great gale which is so finely described, 'when the sister of Kolga [the wave] and the long keels came together, it was as if the surf were breaking against the rocks,' what time 'the fast following seas kept tryst upon the hulls, and Eager's dreadful daughter strove to whelm the forestays of the helm-horses [ships]. But battle-bold Sigrun from on high saved them and their craft. By main strength the king's brine-steed was wrested out of Ran's hands off Cliff-holt, and that night the fair-found fleet rode safe once more in Unisvœ.' Again at the battle at Wolf-rock the Walcyrie comes to comfort her hero. 'And now the Helmed Wight that watched over him came down from heaven.' But she is not all-powerful, for Fate may break her spells. 'Thou canst not give good hap in all things . . . thou being, and I think that some of this is the Fates' doing [not thine].'

Here we have the romantic picture of these beings who were guardians to the Wicking princes, saving them, healing them, devoting themselves to them. There is a difficulty, as has been said, in men taking true views of women. There are women-saints to worship, so there are women to loathe—hags, and witches, and ogresses. And much depends upon the spectator's point of view whether a given feature looks fair or foul. So we must be prepared in this Wicking-poetry to get the adverse view of such beings; and it is in *Hoarbeard's Lay* we find it. Here in the comic dialogue between Woden and Thunder, Thunder tells how he 'smote the

giant brides in Lear's-ey¹, for they had wrought wickedness, cheating all people.' 'That was a shameful deed of thine, Thor (replies Hoarheard), to beat women.' Thor says—

Vargynjor þat voro en varla konor,
skelldo skip mítt es ec skordat hafda,
ægðo mer iarn-lurki, en ellto þialfa.

which one might render—

'Nay, *Bargenae* they were² [for *she-wolves* does not give complete sense], but hardly women. They battered my boat which I had beached, they threatened me with the iron rod, and hunted my man Delve.' One can see the comic rage of some northern privateer-skipper of the 9th century, who, having paid dearly for a breeze, did not get it, but on the contrary suffered from head-winds and sharp gales, so that his boat was knocked about even in her dock, makes up his mind to give the witches a good thrashing, and pay them out for his losses and their ill-usage of him.

Such superstitions prevailed, as is well known, till very late in Great Britain, in the debased form in which they occur in *Macbeth* and the *Tempest* in literature, and in fact in the well-known record of the trials of the Fife witches.

That the *doctrine of metempsychosis* is mentioned in the Helgi Lays, and furnishes the key to the plot of that trilogy, is certainly not without significance³. Pythagoras' theory is not, as far as we can tell, a Teutonic belief. It must have been borrowed from some 'magus' or 'maga' of Gaul or Britain, where, as we know, it was held as a basis for religious ideas.

¹ The islands in those Lays are all, we suppose, to be looked for off the coast of Brittany, and the Loire and Garonne. Could any of these be identified? polley, Brandey, Rád-ey, Hlessey, Heðinsey, &c.

² i.e. 'witches they were, not women.' In 'Vargynjor' we discern the old word, given by Mela—catching (as is the wont of 'folk-etymologies') at the nearest word in sound in the Norse language. The word seems to survive in the modern French *baragouin*=gibberish, see Ducange. A 14th century Frenchman says, 'No *baragouin* am I, but as good a Christian as any one of you.' And at the famous and fateful meeting of Pantagruel and Panurge, the former, on hearing the latter's speech in good High Dutch, answers—'Mon ami, je n'entends point ce *baragouin*, pourtant si vous voulez qu'on vous entende, parley aultre language.' *Baraguena* may indeed have been Mela's original form; it suits both French *baragouin* and Norse *Vargynja* best.

³ See Corp. Poet. ii. 528, where this belief is scorned; the Norsemen did not apparently believe in it.

That such an event as the Conquest of Normandy should have left no trace in tradition would surely be strange; if the theory, here set forth briefly, be accepted, we have in some of the most beautiful and characteristic of the Eddic Songs a romantic record of the great fleets that held their tryst in the Channel Islands, before Sigfred led them to the siege of Paris and Hrodulf to the conquest of Neustria.

The place and circumstance alike recall the well-known lines which one is happy to quote here as worthy peers to those of the old northern Maker.

La flotte se déploie en bon ordre de marche,
 Et, les vaisseaux gardant les espaces fixés,
 Échiquier de tillacs, de ponts, de mâts dressés,
 Ondule sur les eaux comme une immense claie:
 Ces vaisseaux sont sacrés, les flots leur font la haie,
 Les courants pour aider ces nefes à débarquer
 Ont leur besogne à faire et n'y sauraient manquer;
 Autour d'elles la vague avec amour déferle
 L'écueil se change en port, l'écume tombe en perle.

 Sont-ce des cormorans? Sont-ce des citadelles?
 Les voiles font un vaste et sourd battement d'ailes.
 L'eau gronde, et tout ce groupe énorme vogue et fuit
 Et s'enfle et roule avec un prodigieux bruit¹.

For since the Poet of the Helgi Lays watched that sound, dark with the sails and hulls of the Wicking fleet, a thousand years passed, and on the self-same spot where he must have stood, another Poet took his stand and celebrated in song that will not die the sea-girt rocks where he found a refuge in his self-chosen exile from tyranny at home.

It is not every group of islands famous in history that has had the good fortune to harbour two such singers as he of the Helgi Lays and Victor Hugo.

G. V.

June 10, 1885.

¹ La Rose de l'Infante. Cf. Helgi Lay, ll. 80-122, 198-207. In his very Will the French poet acknowledges his debt to the Sea that sheltered and inspired him.

IV. PLACE OF THE HAMTHEOW LAY.

Höll sá þeir Gotna oc hlíf-skialfar Danpar.

UNLIKE the epic poetry of Greece or France, the old *Eddic Lays* cover a vast field both in time and space. In the Collection of them are not only to be found the *Lamentation Lays*, that first rung on the Rhine and Lippe, and represent the middle Teuton stock; but there are the Helgi Lays, far to the west, born on board those Wicking fleets that carried the Northmen as far as Spain and Africa; while in the east the Lays of the *Ermanaric and the Attila cycles* point to the spot where, on the borders of Europe, the first Gothic Empire rose.

It was while musing over an unintelligible line in the Hamtheow Lay, after the paper on Arminius was written and in type, that the writer got an emendation which, while making the line clear and reasonable, at the same time coincides with other passages to show that the first seat of the Gothic Empire of Ermanaric was not forgotten in the mouths of the epic poets of his race.

The line, in Corp. Poet. i. p. 56, runs:—

Höll sá þeir Gotna oc hlíf-scialfar diupa.

The curious word ‘skialf’ was explained already in the dictionary as ‘shelf’; hence ‘hlíf-skialf’ would mean ‘the *shelf* or terrace of a *hill-side* (hlíf)’; ‘diupa’ (dívpa R) is manifestly a place-name. Change a couple of strokes, and the line reads—

Höll sá þeir Gotna oc hlíf-scialfar Danpar¹.

i. e. They saw the halls of the Goths and the terraced banks of Danpar (i. e. the R. Dnieper).

And this ‘Danpar’ is a legitimate form; for in the *Old Lay of Attila* comes the passage—

wide Gnite-heath . . . and Danpar-steads
the famous forest men call Mirk-wood.

¹ A scribe’s error (not from the ear): the *a* faint, looking like an *i*; *n*=*u* and *ar* written in one; a slight hook at the top is often the sole distinction between *ar* and *a*: hence for danpar the scribe read dívpa, meaning diúpa (deep)—the nearest word that gave some sort of sense.

Again, in the Lay of Hlod and Angantheow, it is said that Heidric owns—

that famous Forest that hight Mirk-wood,
that holy Grave that stands in Goth-theod [Goth-land],
that famous Rock that stands in Danpar-steads.

In the *Lay of Rig* the prophetic bird (a crow in this instance) says that

Dan and Danp own halls of price,
A prouder heritage than ye have.

Here the genealogist of the West has evidently interpreted the river-names, which occurred in the old poems he knew, as heroic names, and turned the Don and the Dnieper into mythic ancestors of his *Con the young*, the first of kings. Don-stead and Dnieper-stead were evidently the oldest place-names he knew; and in giving them he was right, for they are among the most exact notices of the earliest German Empire that tradition has preserved. There is also, we believe, a confusion between these names and the mythical heroes, Dan, Halfdan, etc., to whom the Danish kings and nobles were traced by their Encomiasts. The name *Danp*, used of a man, is never found save in this poem and in Ari's paraphrase in *Ynglinga*, ch. 20, traced from it. *Danp* is no more a person of real tradition than *Drott*, in the same genealogy; both are mere inventions of the author of *Rig's Lay*.

Having read and translated the line as above, we find that it refers to a place in the East of Europe on the 'Danpar' where the Goths had a capital, which 'Danpar' we naturally identified with Jōrdanes' 'Daniper' the modern 'Dnieper,' as Munch has already noticed¹.

But could the exact place be fixed? The indications of the poems—themselves ruins and bits of broken-up songs—are but few.

¹ 'Quorum mansionem primam in Scythiae solo iuxta paludem Meotidem, secundo in Mysia [Moesia] Thraciaeque et Dacia, tertio supra mare Ponticum rursus in Scythia legimus habitasse.' Jord. ch. 5.

And of the Huns who marched with them, he says—'eas partes Scythiae . . . quas Danapri amnis fluente praetermeant, quam lingua sua [Gothic, probably, though the passage looks as if it were *Hunnish*] Huniuar appellant.' ch. 52.

'Daniper autem ortus grandi palude, quasi ex matre profunditur.' ch. 5.

'A Borysthene amne quam accolae Daniþrum uocant.' ch. 5.

Thus far Jōrdanes, sufficiently to identify Danaper and the Danpar of the *Eddic Lays*; where, by the way, the word only occurs in a genitive position, as if *ar* were a genitive case, whereas in fact it is radical—Danpar-stead, not Danp-stead.

If a central ancient town on the Dnieper is to be found it is certainly Kiyev. When I read the vivid description of M. Réclus, was delighted to find the very characteristics brought out which my hypothesis required.

It is an old and holy place—and pilgrims, we may suppose, journeyed to the 'Famous Rock' and 'Grave' of the poems as they journey now to the relics. The hill, which the 'Lavra' now occupies, must always have been a notable spot—fit capital for Giferic or Ermanaric. There are the *terraced banks* above the stream—exact 'hlǫð-skialfar.' 'La terrasse qui se dresse de 100 à 130 mètres au-dessus du fleuve, sur les pentes des collines et la lisière de terrains qui s'étend à leur base, est d'environ 50 kilomètres carrés . . . Chacun des quartiers a sa physionomie particulière. En bas Podol, voisine du fleuve, est la ville du commerce et de l'industrie; elle occupe dans une vaste échancrure du plateau, la partie méridionale de la plaine dans laquelle la Potchaïna vient s'unir au Dnepr, et que domine au nord la colline de Vichgorod, où saint Vladimir avait son harem. Au sud de Podol, le plateau, découpé par trois profonds ravins perpendiculaires à la direction du fleuve, se rapproche des berges et ses escarpements finissent par se confondre avec elles. Les ravins divisent ainsi la ville en quartiers distincts. De tous ces promontoires qui se succèdent du nord au sud, le troisième se termine le plus fièrement au-dessus du fleuve et sur la pointe même se dresse . . . l'église de St. André . . . ; puis au delà vient Petchersk, promontoire méridional où s'élèvent le monastère et le groupe d'églises de la Lavra, considéré comme le lieu saint par excellence de la Russie, parce qu'il domine l'endroit où furent baptisés les premiers Russes.'

And the geographer goes on to tell how this hill is an old and holy burial-place, where are caverns which palæolithic man already inhabited, and which were enlarged by hermits, and finally became sacred catacombs. He notes that this city—the Kioaba, or Sambatas of Constantine Born-to-the-purple, and the Man-Kerman of the Tartars—is one of the cities of Europe which are marked out beforehand by their position as the necessary centres of gravity of history. Its excellent site; its proximity to the three regions of wood, blackland, and steppe; its river; the easy approach from North, East or West,—all mark it as a fit spot for a market, a sanctuary, a stronghold. It was long the centre of Early Russian

dominion, and was the rival of Constantinople; and it was especially well suited to be the centre of such a congeries of kingdoms as Ermanaric ruled—a Napoleonic empire, built up of heterogeneous materials; and, in both cases, the cement binding them never had time to set. Within this first Teutonic Empire were Tchuds (Esthonians etc.), Slavs (as Munch shows), Scyths (if the text be correct) as well as the Goths. This *second Alexander*, as he was fitly called, held sway from the sandy lake-pitted shores of the Baltic over the *black lands* ('uberis agri,' Ammianus calls them) of Russia, down to the river deltas of the Black Sea coast, and from the Carpathians ('Harvaða-fiællom' of our Lays) to the Eastern steppes.

The scanty evidence of the classic historians confirms the centring of Ermanaric's empire about the middle Dnieper. Procopios says that the Goths came from beyond the Danube; Ammianus tells how they were driven westward by the pressure of Alans and Huns, and how their first Empire was broken up; while Jordanes (drawing often from native sources), sketches the fortunes of the Goths down to the foundation of their dominion by Giferic, who plays Philip to his successor's Alexander. Jordanes then gives a 'catalogus' of the nations under Ermanaric's sway.

It is easy on such maps as those in Réclus' Geography (a book which one never reads without admiration and gratitude) to trace the steps of their journey. They must have come along the route that crosses the neck between the Black and Baltic seas, while Eygota-land (Isle of Gothland), and East and West Gotland mark their northern starting-point. The Goths and their fellow tribes, Wandals and the like, represent a *South Eastern* migration from Scandinavia (which enables us to understand earlier and later movements of the same character); as the Danes, Saxons, Swabians are the living monuments of a *South Western* march, and the English and Wicking settlements (like those of our days) of a *Western* exodus¹.

The slight differences which may be seen between the forms and accidence of Wulfila's Gothic as compared with those of the early Runestones and the parent vocables which we can infer from High, and Low German, show that the Gothic emigration could not

¹ Granting that the Germans (as we hold) in no very remote time came out of Scandinavia. In the following remarks we distinguish between *Goths* (i.e. Teutons east of the Hyrcanian Forest) and *Germans* (Teutons west and north of that same Forest).

have been *very* many centuries earlier than the English one, and confirm the historians who make Giferic the first imperial ruler.

There are a few Gothic words which we can trace to this short-lived empire of Ermanaric, found in the scanty stock which Wulfila furnishes, such as the non-Greek p-words, all loan words: 'Aipei,' which has been repeatedly declared to be Teutonic because it is found in Old High German and in the Old Northern Thulor—'eiðā heitir móðer' says the Thulor list (C.P. B. ii. 543); and once again in the spurious epic poetry, manufactured by the help of these lists, Corp. Poet. B. ii. 547, l. 7; and, lastly, in Snorri's hyper-artificial poem on the 'metres.' Now these Thulor are of 12th century manufacture; they contain words of all origins, Basque, Fin, Slav, Greek, Latin, English, French, as well as Old Northern; they were gradus lists for the use of those who composed verse in the complex court-metres, and who needed the biggest obtainable variety of synonyms for such simple words as *mother, father, man, woman*, etc. Nowhere else in the whole range of Old Northern poetry or prose (nor in any modern speech) can this word be found. It is probably borrowed directly by some poet from the Baltic Tchuds, whence it got into the Thulor, whence the two other poetasters drew their word. Now turning to the Old High German, let us see how the word got to be naturalized therein—though but for a while, for it soon died out again, 'fuotor-eidi' (nurse) being the best example.

The two branches of the Teutonic stock—the Confederations on the Rhine, and the Goths that passed through what is now Russia—never met after they left the Scandinavian coasts, separated by broad forests and marshes, till in the 5th century they touch hands, when the Goths, being driven from the east over the Danube came face to face with the German who had fought his way down through the Black Forest and across the Bohemian hills and table-lands to the Upper Danube. It was just as the High German tongue was forming on this alien soil, that the Gothic stock of loan-words, borrowed from Esths, Wends, and other foreign races with which the Goths had been in contact, became accessible. In the natural give-and-take between Goth and German, 'aipei' passed into 'eidi,' and so this Tchudic word comes to be found in two Teuton dialects. It is an interesting word, for it speaks to Gothic unions with alien wives and concubines; yet this process of intermarriage could not have been going on very long, and one would think the

emigration of the Goths from the North must have been comparatively recent; first, because (beside the considerations urged above) what tradition there is, as well as the words of Iordanis and the genealogies he records, seem to imply this; and also because Prokopios describes these Goths, whom he saw and knew, as of pure type (white skin, light hair, tall, big, light eyes), just as Tacitus and Caesar speak of the unmixed tribes they met in the West.

The history of this one word 'aipei' is a caution to the etymologist; for it alone is sufficient to prove the absolute necessity of the *historic method* being used along with the *analytic method*; if it is neglected the pure analysts are apt to fall into error, and follow false lights.

Of the Gothic poetry that Ermanaric's exploits inspired, a *torso*¹ has reached us in the Hamtheow Lay, but it is enough to show that the divine poet was not absent from Danpar-stead or the halls of the Goths. And just as through the paraphrases of Paul the deacon one can feel something of the fierce cruelty and generous chivalry of the Lombard dukes and kings, so in this most antique poem one can dimly see something of the magnificence and pride of life and masterful strength of this Gothic βασιλεύς. After hearing this lay one can get near enough to the man to sympathise with the grief which, like his noble successor Charles the Great, he felt ere he died, in dreading that much of his work would be undone, and in knowing that the very kingdom, for which he had toiled and fought so many years, was in utmost imminence of peril.

¹ For instance, lines 95-98, on the centenarian king's last feast, once noble words, now in ruin, how are we to restore them? I would now propose to read—

Hló þá Iormunrekr, hendi drap á kampa
breidde skegg á bringu, b. . . at vini,
skók hann skgr iarpa, híassa skiall-hvítan,
lét hann ser or hendi hvarfa ker gollit.

What b-word can be concealed underneath the impossible 'bavðvaðiz' (brún-volvi *rolling one's brows, frowning*,—þá mælti konungr, ok var nokkat svá brun-volui, brun-ólfi Cod. Holm. l. c. Flat. i. 182, cp. iii. 357)? 'iarpa,' of the old king's hair—how can that be right?

The Lays of Attila and Hamtheow have been mixed up in the oral tradition; both are written together (separated only by the Greenland Lay); in cod. R. all three were most probably taken down from the same person's mouth; the lines on the Rosmons (Atlakv. 70) can only belong to the Hamtheow Lay. Atlakv. ll. 50-53, one would also suspect to refer to the brothers Hamtheow and Sarila on their way to Ermanaric's hall. There is a great gap in that lay, just after the brothers' parting from their mother.

The following table will give a skeleton, as it were, of the earlier Teutonic History as far as we can make it out with safety. The names in *Italics* are those which have not come down to us in the traditional vehicle of poetry or folk-tale.

WEST.	CENTRAL.	EAST.
	<i>Ariouistus</i> . fl. B. C. 60 A. D. Sigfred . . . d. 21	
A. D. Hengest . . fl. 430 Beowulf . . fl. 450	<i>Alaric</i> . . . d. 410 Theodric . . . d. 526 Ælfwine (Alboin) d. 572	A. D. <i>Giferic</i> . . . fl. 300 Ermanaric . . fl. 350
Anlaf Tretelgia fl. 675 Godfred . . fl. 800	Charles the Great d. 814 William of Orange fl. 830	Attila . . . fl. 450
{ Lodbrok's sons fl. 870 { Ælfred . . d. 901 Rollo & Harold fairhair . fl. 925 Tryggwason. d. 1001 { S. Olaf . . d. 1030 { Gretti . . d. 1031 { Cnut . . d. 1035		<i>Ruric</i> . . . fl. 860

G. V.

July 30, 1885.

V. TWO LATIN LAW-WORDS.

Lat scal fê bœta en eigi flein riðða.—Gríða mál.

IDENTITIES and parallelisms between those older Latin and older North-Teutonic words which touch legal and constitutional ideas seem to present a likely field of investigation.

Some years ago, Professor Bugge of Christiania pointed out the identity of Lat. *son-s*, *in-sons* and Icel. *sann-r*, *ú-sannr*, and other equations have been long known.

It is a law-word, perhaps of even more representative value, that one would here deal with—*fās*, with its train of *nefās*, *nefārius*, etc. The common etymology of these words from *fari* (to speak), and their connection with *infans*, *fama*, etc., may be relegated to the limbo of all those worn-out attempts to explain Latin entirely from Latin, with which Lexicons have hitherto been too much crowded. An explanation must be sought elsewhere.

There is, as far back at least as the time of which Tacitus had knowledge, a legal division of injuries and wrongs among the Teutons, of which we still find open traces in the English common-law classification of treason, felonies, and misdemeanours. This division is founded upon the way in which certain misdeeds were considered as apart and different from the rest, by not being *atoneable* as others misdeeds were, but *bootless* as Beowulf puts it.

All the rest were *bootable*, or to be atoned for by compensation paid in chattels, so many cattle as Tacitus has it. See the articles *úbóta-mál*, *úbóta-verk*, in the Dictionary (p. 658 b) for instances of this phraseology in Icelandic. Now the Old Norse word for *compensation* paid is *BÓT* (*gild* is properly a payment in which other men share and by which the payer benefits, rather a *cess* or *tax* than a *fine* or *compensation*). This *bót* is precisely the word which is equivalent to the Latin *fās*.

As to the form—Lat. *f*, *d* and Icel. *b*, *t* correspond, as do Latin *ā*, and Teutonic *ō*: e. g. Icel. *blōt* and Lat. **flād-men*, later *flā-men* (Bugge), is an exact parallel to our *bōt*, **fād-s*, later *fās*.

And, this admitted, the real meaning of the *fās* series in Latin becomes clear: *nefas* is a deed 'boot-less,' 'fee-less,' as the Old English said, and not a deed 'not-to-be-spoken-of.' The morality which would admit such a meaning is of later growth, both in Latium and in the North. So might St. Paul well speak to debased slave converts, but the ancient Law speaker or praetor knew no such scruples, for they were not needed.

'*facta nefantia*' is exactly equal to the O. N. *úbóta-verk*, Dict. 658 b.

In *nefāndus*, *nefānt*-one may fancy that the *d* of the original form still survives, and that *nefāndus* stands for *nefā(n)dus*, *nefādnus*: the intrusive *n* is not unfrequent in Latin. There has been, as in other cases between words of like scope, a confusion in the popular mind between the two stems *fa*- and *fād*-. The old Roman grammarians knew *fasti*, *fāma*, *fātum* were from *fa*-, and why not *fās*? This folk-etymology was so plausible, that it has hitherto prevailed without a sceptical voice raised against it.

Another word deserves brief mention. In the Northern KUĪÐJA i. e. kvithja (not, as we once fancied, connected with kuepa), one has the parallel to the Latin *uēto* which is for the older **guġto* (as in the parallels, *uēnio* and *quġman*). The forms agree and the sense of *proclaiming a ban* seems the earliest in both.

Such material as this is of course very fragmentary, but it is also richer than might be supposed; for the Scandinavians seem, like the Romans, to have been singularly legal-minded. And it is not impossible from the fragments that remain to reconstruct, after the fashion of palæontologists, the extinct forms of a long-dead archaic society.

And among these few morsels are found words that point to the existence of common legal ideas at a very remote period. There are so many words in which Latin and Teuton coincide closely, that one cannot help fancying that, after all, the kindred of mind between these two Aryan peoples is a witness of closer relationship than the difference in tongue would imply; that, in short, if the Roman had Keltic affinities in tongue, he had

Teuton affinities in institutions, and that the archaic histories of these three western branches of the Aryans must be treated together if one would get full knowledge of the military, legal, and constitutional peculiarities and development of each.

Note how conservative languages are in these matters of law. Take in hand the article on *kviðja* in the Icel. Dict., and put it beside *věto* in the Latin Lexicon, and one is astonished at the resemblance, as it were but in twin dialects. And yet, how many generations must be told to get back to the times when the ancestors of the Claudii and Julii and those of the Norse kings lived within one Moot, under one law?

A full list should be drawn up of equations between old Norse and Latin law-terms. They agree either (*a*) both in sense and form like the above instances, or (*b*) they are parallel in meaning, as Lat. *judicium*, *jude.v.*, and Old Norse, *log-saga*, *logsogo-madr*.

G. V.

Oct. 2, 1885.

VI. THE BALLAD OF SIR OGIE.

The World was very guilty of such a Ballet some three Ages since.

IN the Notes to the Helgi Lays, in the Corpus Poeticum Boreale, I. 502, we have printed the sixteenth-century Danish ballad 'Aage og Else.' (Grundtvig, No. 90.) A version was hardly within the scope of the Corpus, nor was there time to make one at the translator's disposal. He has since, however, tried to English it, after Jamieson's example, in the manner of the Border ballads. It is given here, in 'the hope that those who, like Autolycus' customers, 'love a ballet,' will not be sorry to have a fine one even though it be presented in somewhat rough and ill-cut raiment.

1. There sat three maidens intil their bour,
And the twain o' them braidit the gold;
The third she grat for her ain true-love
That lay i' the black black mould.
2. It was the gude Sir Ogie,
And he's ridden over the Leys,
To woo at the ladie Elsie,
That was sae fair to see.
3. He has wooed at the ladie Elsie,
That was sae fair to see;
All on their bridal-even
Dead at her feet drappit he.
4. Sae sair the ladie Elsie grat,
And wrang her hands the day,
That the gude Sir Ogie heard her
Sae deep in grave as he lay.

5. Sae sair the ladie Elsie grat,
And beat her hands the day,
That the gude Sir Ogie heard her
Sae deep in earth as he lay.
6. Up stood the gude Sir Ogie,
Wi' his kist upon his back,
And he's taen his way til his true love's bour :
Wow, but his strength was slack.
7. He has rappit on the door wi' the lid o' his kist,
For he lackit the hilt o' his skene.
'Stand up, stand up, thou proud Elsie,
And let thy true love in!'
8. Sae lang in her bed proud Elsie lay
And til herself said she—
'Can this be the gude Sir Ogie,
That hither is come to me?'
9. Then up spak the ladie Elsie,
And the tear ran from her ee—
'If ye may name the name of God
I let ye in to me.'
10. 'Stand up, stand up, thou proud Elsie,
And dup thy chamber door,
For I can name the name o' God
As weel as I coud afore.'
11. Then up stood the lady Elsie,
And the tear ran from her ee,
She open'd and let the dead man in,
Wi-in her bour to be.
12. She has taen her gold caim in her hand
And caimed his yellow hair,
And ilka hair she red on him
Doun fell the saut saut tear.
13. 'I bid ye speak, Sir Ogie,
Whom I loe best of a',
Hoo fares it in the grave wi' you
Beneath the clay sae cauld?'

14. 'O it fares wi' me all in the grave
Beneath the clay sae cauld,
As I were high in Paradise,
Therefore tak thou nae care!'
15. 'I bid ye speak, Sir Ogie,
Whom I loe best of a':
May I follow ye intil this grave o' yours
Beneath the clay sae cauld?'
16. 'O, it fares wi' me all in the grave
Beneath the clay sae cauld
As I were in the pit o' Hell:
I rede thee sain thy sell.
17. For ilka tide thou greets for me
All in thy dowy mood,
My kist within is standing
Brimful o' the red life-blude.
18. And ever up, my head aboun,
The grass it grows sae green;
And ever down, my feet about,
The worms o' hell they twine.
19. And ilka tide thou lilt a lay
All in thy merry mood,
My grave is hung all round about,
Wi' the roses o' the wood.
20. The bonny grey cock sae loud he craws,
He craws until the day;
And ilka lyke maun till the earth,
And I maun be away.
21. The bonny red cock sae loud he craws,
He craws until the day;
And ilka dead man maun till the earth
And I maun be away.
22. The bonny black cock sae loud he craws,
He craws until the day,
And a' the ports are steekit soon,
And I maun be away.'

23. Up stood the gude Sir Ogie,
Wi his kist upon his back,
And he's taken his way til the wide kirk-yard,
Wow, but his strength was slack!
24. Then up stood the ladie Elsie,
Richt steadfast was her mood,
And she's followed after her ain true-love
Through the midst o' the mirk mirk wood.
25. When she was come through the mirk mirk wood,
Until the kirk-yard wide,
The gude Sir Ogie's golden hair,
It withered all beside.
26. When she was come through the kirk-yard wide
Until the great kirk-door,
The gude Sir Ogie's rosy cheek
It withered all before.
27. The gude Sir Ogie, foot and hand,
Withered and fell away,
His hand but and his rosy cheek,
They mouldered into clay.
28. 'Hear my words, thou proud Elsie,
Whom I lo'e best of a',
I rede thee never mair to greet,
For thy true love ava.
29. Rise up, rise up, thou proud Elsie,
Rise up, and get thee hame!
I rede thee never mair to greet,
For thy true love again.
30. Luke up until the heavens now,
Until the stars sae sma',
And tell me how the nicht wears on,
And when the day sal daw.'
31. She has lukit up til the heavens,
Until the stars sae sma',
And the dead man creepit from out her sight
Doun into his grave sae law.

32. Sae nimbly did the dead man creep
 Doun, doun beneath the clay.
 Sae heavily went proud Elsie,
 Back til her hame again.
33. Sair sair did proud Elsie greet,
 And sair to God did pray,
 That she might win til anither licht
 Within a year and day.
34. It was the ladie Elsie,
 And sick in bed she lay,
 But she lay dead upon her bier
 Before the threttieth day.

In the 2nd line of the 7th verse one might read—

For naught else might he win.

But the incident of rapping with the dagger-hilt on the door is one that suits the place and time, as well as the *chappin at the chain* of Glenkindie. The obscure Danish word *skind* may be a loan-word here and stand for the Gaelic *scian*, though it is needless to say that *skene* does not occur in the Lowland Ballad speech.

It was the coincidences of this Ballad of Sir Ogie and our 'Clerk Saunders' with the lay of Helgi and Sigrun that made us draw attention to it. Before leaving it, one notes that in his Popular Ballads, 1806, vol. i. p. 193, Jamieson mentions a Ballad called Peggy Baun, a *silly ditty*, he says, *of a young man, who returning homeward from shooting with his gun, saw his sweetheart and shot her for a swan*. This recalls the scene in the lost Helgi and Cara Lay, which we know from the prose paraphrase in Hromund Gripsson's Saga, where the hero loses his luck by striking the Walcyrrie that protects him, as she flies above him in swan-shape.

There is in the same book, vol. ii. p. 387, a Lowland parallel to the famous lines in the one fragment of a lost Sigurdar Kuida. C. P. B. i. 315.

út gecc Sigurðr ann-spilli frá
 holl-uinr lofða, oc hnipnaði
 sua-at ganga nam gunnar fúsom
 sundr of síðor serer iarn-ofinn.

A passage which is repeated in the prose of Egil's Saga, when the laced hose and fustian kirtle of the poet are riven upon him by the swelling of his grief, the day they buried his son Beadwere.

The Aage-Ogie of this Ballad is nearer the original Holge than the Icelandic form.

How well the Wheel becomes it.

I add here a few of the refrains of medieval Ballades or Dancing Songs which have come down to us in Icelandic—Englished as nearly as may be. (C. P. B. ii. 391).

Fair blooms the world, but its fairness grows old—
It is long since my joy was laid low in the mould.

I loved a man dearly, until we did part,
But now I must hide up my woe in my heart.

I heard the fair songs from the Niflungs' house ring,
And I sleep not for joy of the songs that they sing.

All that is, must wither and fade away:
All flesh is dust, deck it howe'er ye may.

So fair sings the swan through the long summer day
'Tis the season, sweet lily, for dancing and play.

Loft out in the islands picks the puffin-bone:
Sæmund in the highlands berries eats alone.

But ever I love her as dear as before!

Thou art on the dark blue sea, but I am here at Drong:
I'm calling long, I'm calling for thee long!

The last is from the Faroes (C. P. B. ii. 392).

Faster let us tread the floor, and never spare our shoes!
Where we drink the next year's Yule God alone can choose.

F. Y. P.

VII. TRACES OF OLD LAW IN THE EDDIC LAYS.

The voice of the recorded law.

WHAT scanty direct knowledge one can get of old heathen custom or common law among the Scandinavian peoples must be gathered from two main sources—*first*, the *Eddic Lays*, the product of the Wicking-tide; and *secondly*, the traditional lore embedded in the *works of Ari*. These may be supplemented by the Histories of Adam and Saxo, and by the Icelandic Family Sagas (which last are to be used with caution), as also by notices scattered here and there in foreign chronicles. The comparative method, of course, helps us to get a better idea of the whole condition of early Scandinavian law, by the evidence it supplies from the law of the other Teutonic peoples.

It is not safe to build upon the later *Icelandic law-books*. In the first place they give us *Icelandic* law not *Scandinavian* law; they reflect the peculiar characteristics and idiosyncrasies of the new Settlement and the Land which it occupied. In the next place they represent a distinctly later stage of legal development, and came out of what we might call the *legal epoch* of Icelandic history (1050–1135), when Christendom was wholly accepted, and when the foreign influences it brought with it had deeply tinged the ideas and ways of leading Icelanders.

With later Icelandic law proper we hope some day to deal elsewhere, and it is not proposed in the present little paper to touch on the notices of the earlier law given by Ari, but simply to classify roughly the material yielded by the Eddic Lays, and add a few words upon the conclusions they appear to suggest.

The words and phrases here gathered together have, as might have been expected, more to do with *adjective* than with *substantive law*, and fall mostly under those great heads of *procedure*, *family*, *property*, *crime*, and *contract* with which the XII Tables and other early codes and customals are chiefly taken up.

I have not tried to force the classification into accordance with modern law.

The worth of the evidence taken from these poems is even greater than if it were gotten from archaic law-books, for they often contain theoretic law, whereas here the allusions and incidents supplied are drawn after the quick, taken from actual life, and reflect the every-day practice of the time.

The different Lays, as might be expected, are very unequal in the amount of matter they yield. Of the older poems, the Guest's Wisdom has a few valuable words, and the Old Play of the Wolsungs several important allusions. Of the Western poems Loka-senna and the Long Brunhild Lay, which are better preserved than most of the rest, supply much material of the later poems. The matter-of-fact and prosaic Gripi Lay (which as the editor of the C. P. B. suggests may even be Icelandic) is helpful, but most rich of all is the Greenland Lay of Attila, which one might take to be the work of some early Greenland Law-Speaker on as good evidence as persuades the commentators that Shakspeare served his articles and spoiled sheepskin in his youth. Ynglinga-tal is full of old law-words, and Egil once or twice has a vivid allusion. The Thulor (ll. 21-32, 113-222), compiled from poems older than the twelfth century at least, have preserved several terms which would otherwise have perished with the verses from which they are taken.

It must be remembered that these Lays are not the product of one single Scandinavian stock or tribe, but that they were composed for and no doubt by men of very different origin. Throwends, Reams, Danes, Swedes, Goths, Halogamen, Rugians, Neams must all have listened to them; though, judging from the evidence of Landnáma-bóc, the bulk of their hearers would have come from the west coast of Norway or the Wick. Hence one must not be surprised to find many parallel phrases, or disappointed at not being able in every case to draw a clear distinction between the different terms used with like connotation. Each tribe or folk had of course its own peculiar law-phraseology, though there was, as we shall see, a general consensus in legal plan and idea over all the Scandinavian area.

Certainly here if anywhere we must look for the earliest traces of Teutonic law and polity. It is with a full knowledge of the

evidence which they furnish that we must supplement and develop the brief rapid sketches of Caesar, Strabo, and Tacitus.

There can be no pretence of Roman influence on the tribes whence the makers of these Lays came; even the Irish and Old English legal systems have left scarce a trace of their existence in the whole of these Lays. Such conquering and colonizing hosts as those from whose midst these Lays issued, do not take the law of their subjects and prisoners, but impose their own on them. The one division of law in which the influence of the conquered race must have needs asserted itself—the land-law—is but little touched on in these poems.

The Old English poems (with which I hope to deal elsewhere) present the nearest parallel to these, in their preservation of archaic law-terms and phrases and their pictures of early Teutonic life and polity; but I have thought it best to keep the two masses of evidence separate, and have only a stray reference to them here and there. With the same view of giving as far as possible the plain facts, I have not filled up the blanks or gaps from Saxo or the later Northern authorities.

There is some inequality between the sections into which I have divided my material, but this is a natural inequality and gives a rough index of their relative weight in the daily life of their age.

I have used the 'Corpus Poeticum Boreale' for the text and numbering of the poems I quote from, as well as the abbreviations for the titles of the poems (see C. P. B. ii. 659), and have marked corrected texts with *cor.* In the Excursus on the Metaphors of Old Northern poetry in vol. ii. pp. 445–86 of that work will be found some illustrative matter which I have not repeated here, as it is already accessible to English scholars.

The mosaic which may be put together out of these various fragments is a striking one; it testifies to the long existence of a regular system of law, as far removed from mere savage customs on the one hand as it is on the other from the Roman polity (by which it was to be so powerfully affected in England), a system rough and simple to the first glance, but at the same time a system capable of growth and adaptation to a wider and more complex set of social phenomena—a system which after all is the direct well-spring of that under which we live.

The following is the arrangement adopted as the most practically convenient:—

- I. War-law—age for service, declaration of war, truce, hostage, captive, booty, heralds.
- II. Feud—causes of feud, settlement of feud, compensation, arbiters.
- III. Procedure—moot, court, pleading, ordeal, combat, punishment.
- IV. Crimes—greater or bootless and lesser.
- V. Oaths—oath taking, perjury.
- VI. Family—kinship, fosterage, sworn-brotherhood.
- VII. Marriage—wooing, espousals, wedding, dowry, morning-gift, marriage-ties, polygamy, polyandry, divorce, concubinage, adultery.
- VIII. Property—heritage, landed estate, slaves.

I.

There was among the ancient Teutons, as in Old Rome, a *LAW OF WAR*, that is, a body of customs which settled the main questions a pretty permanent state of war was likely to raise, and acted as 'inter-tribal' or 'inter-national law.' The early existence of many of its uses can be proved both by analogy and directer evidence. See, for instance, the mention of the old regulation as to the admission of a youth to the full status of warrior, in the story paraphrased from a lost *Elfwine Lay* by Paul the Deacon, which is discussed C. P. B. ii. 503-4, and vol. i. pp. li-liv.

In the North, especially in Denmark, there was a tradition that many of the customs of this War-Law owe their origin to a king whose eke-name *Fróði* [Wise] has alone come down to us, and the regulations for discipline and good order on board the Wicking fleets were adorned with the sanction of his name. Professor Steenstrup discusses this subject with his wonted ingenuity.

The citizen, looked at, as it were, from the outside of his own state, was the free warrior of full age, the words for free-man and warrior being identical; cf. such common expressions as 'seggr,' exactly as the same terms which apply to the Armed Nation in the pitched field, may denote the Whole Congregation at the moot, cf. *al-pióð*. Many of the ordinary regulations of daily life were modified or affected by the importance of war. Thus among

the Northern Teutons the coming of age appears to have been fixed with reference to service in war as much as to puberty. The same age as the Kentish gavel-cind custom has kept up the remembrance of in England is mentioned in the Helgi Lays, 'When the prince was fifteen winters old.'

þa es fylcir . . . was fimtán uetra. Helg. I. 38.

Children younger than this were irresponsible beings left to the care of their mothers or foster-parents, e.g. the children of Gudrun, the children of Níðad, the child of Sigfred, in the Lays of Gudrun, Weyland, and Attila.

The terror caused by the invasion of the Huns is shown in one poem by the levy of the whole nation, the *arriere-ban* being called out, and the age of service being lowered to twelve instead of fourteen for men, and two instead of three for horses.

uel scolom uer Hlœðr herlid bva
með tolf-uetra mengi oc tuæ-uetrom fola. Hlod. 59-61.

The declaration of war took place as by the Roman *fecial* law, by words of challenge and the casting of a spear.

oc láti sua Óðinn flein fljúga sem ec fyr mæli. Hlod. 94.

Sometimes the time and place were fixed for a battle, and a regular summons issued as if for a moot. The battle-place or field was *pitched* or squared out with posts and lines, as the court at a moot. Our prize-ring and the mediæval wrestling-ring and lists present traces of this custom.

Býð-ec yðr at Dylgio oc at Dnn-heiði
orrosto undir Iosur-fiollom. Hlod. 91-2.

Mer hefir stillir . . . stefnt til eyrar
þriggja náttu scylac til þings coma. Helg. II. 55-6. *cor.*

In these instances the very phrases 'bíóða orrosto,' 'stefna,' 'eyri,' which are later only applied to the private wager of battle between two men at feud, are used of the regular conflict between two tribes or races.

The same regulations, which afterward survived as to the judicial combat, were held with regard to public war in old days, and the Teuton like the Spartan used to take care to go to battle, as he went to moot, combed, washed, and with a full belly.

cemðr oc þueginn scal coenna huerr
oc at morni mettr. W. Pl. 61-2.

The word for the general state of peace was 'frið' (connected

with 'friend' and other words), a term which in our O. E. law came to mean the nation's peace and later the king's peace.

sleit Fróða-frið fiánda á mille. Helg. I. 51.

In one passage it is used when we should expect 'grið,' and it is probably misread.

enn Elli gefr hánom engi frið. G. W. 181.

'Grið' appears in its early meaning of a particular state of peace, quarter, protection, a temporary or local cessation of hostilities.

þu Giúca arfa griðom trúðer. Grip. 188. *cor.*

Einherja grið þu scalt allra hafa. Hakm. 46.

grið hann þeim seldi of góðom hug

enn þeir héto honom golli i gegn. Ch. W. 85-6.

Another word, which like 'truce' signified the peace secured by the good faith of the two parties, is 'trygð.'

nema þu mic í trygð uæltir. Harb. 101.

Cf.

þa hie getrúwedon on twá healfes

fæste freodu-wære. Beowulf. 1096.

Truces, like permanent peaces, were made fast by *oaths*, see § v, and by the giving of *hostages*. How early and prevalent this latter use was is proved by the occurrence of 'gils' or 'gísl' in early proper names¹, the Eadgils of Sweden; Gísl of Ynglingatal 20 (vol. ii. 655). Thor-gils, the Wicking prince in Ireland, seems to be the first famous persons of the West in whose name it is found. In the Burgundian house it occurs earlier, and it is found on the fourteenth-century Swedish gravestones in the forms Thurgisl, Gísl. The hostage, as it appears from the Cyne-wolf story, O. E. Chron. A. D. 755, and allusions elsewhere, seems to have held the status of an adopted member of the tribe into which he enters. Thus Wolospa tells of Mimi and Niorð acting for the Anses, amongst whom they had come as hostages; so Walter fights for Attila, though he is a kind of hostage—

þu vast austr heðan

sendr at gíslingo goðom ;

gísl um sendr at goðom. Lokas 136, 141.

huárt scyldo Æ . . afrád gialda

gíslar seljasc eðr gildi eiga. Vsp. 80-1.

¹ Grimmismal, 93, gives Gísl as the name of a hero's horse. (Cf. the use of Arfi for ox, noted § viii.) Were horses as well as men given as hostages in old days? It would be in accordance with parallel uses elsewhere.

The 'gest,' the stranger within the gates, whether an exile such as Theodric at Attila's court, or a mere traveller or errant knight, occupied much the same position as the 'gisl' in older days, and the word is found in very early Teutonic names. Later, in Norway, it becomes almost a regular order or rank at the King's court.

The word appears in the early poems in the sense of traveller. See Guest's 'Wisdom, the Riddles of Gest-um-blindi.' The *guest*, like the *hostage*, was expected to fight for and help his hosts, of which use there are many instances in the Icelandic family Histories.

* glœpr es gestz kuáma ef í goerisc naccuað. Atlam. 110.

The ancient Teutons (like the Romans) had strict regulations about booty and war-spoil, and there are traces of the disposal of the whole booty into shares, which are dealt out by lot or choice. The oldest word for booty, used by Bragi (C. P. B. ii. p. 8, l. 44) and the old Runestone of Rök (Sweden), is 'ual-rauf,' 'cædi-raptum' as we might latinize it.

conung drápom fyrstan kurom land þaðra. Atlam. 358.

For a person taken in war there is the compound 'her-numi,' denoting the legal position of the captive (somewhat as *dediticius* does), but, as in the older times prisoners were probably always enslaved if not slain, the word 'haptr,' *captivus*, is also in use. The distinction between this and her-numi is given in an early poem.

eigi em ec haptr þótt ec uæra her-numi. W. Pl. 91.

hapt oc her-numinn. O. W. Pl. 87.

hapt sá ec liggia. Vsp. 50. cor.

. . . í Hagals þýjo

. . . man conungs

áðr hána H . . hopto goerði. Helg. III. 5, 13, 16.

haptr er nú í bñdom. Akv. 110.

The captive woman is called by Horn-clofi, Ravensong, 89, 'her-gaupa.' See as to the captivity of women C. P. B. ii. 473, 4.

The position of the Herald, 'sendimaðr,' 'boð,' is apparently sacred, but he is bound not to act treacherously or violently toward them that receive him, for such conduct would forfeit his safe-conduct and the 'grið' that he enjoys. The most notable scene in the poems on this head is that in which Wingi the false herald betrays and is slain by Hagene in Atlamal.

II.

The distinction between FEUD and War cannot be very clearly drawn in theory. Nations or tribes may make war for the same reasons that would cause a feud between two families. War is in fact a public feud, and Feud a private war. This private war has rules and customs of its own, and early Teutonic process is largely concerned with suits and legal proceedings and arbitrations arising round Feud. Feud gives birth to its own peculiar *legis actiones*; and precisely the same phenomena are met with in the Wicking poems of the Eddic Collection and in the early family Histories of Iceland, as are to be read of in the early Arab poems and traditions. The paramount duty of blood revenge; the way in which cruel feuds might sunder kinsfolk and friends; the disastrous effects of the continual bloodshed among the noblest of the community; the plans by which the settlement of a feud was brought about,—are all to be met with in perfection in Arabia and Iceland. No where else, perhaps, are such heroic incidents woven about the institution of Feud. Feud, like Slavery, has been a great civilizer in its time, and the *esprit de corps*, the self-sacrifice, the sense of duty which it fosters are important, nay, necessary constituents in early societies. Neither in Arabia nor the North was Christianity very successful in putting down the Feud, and it nearly perished in Iceland for lack of fuel, the great houses having been destroyed by its long and bitter persistence. It is not surprising that the literature of the Wicking-tide should be rich in allusions to feud-hate.

The hatred of feud, the *accursed wrath* of the Psalmist, is ‘heipt,’ mostly in plural:—

sacar oc heiptir hyggjat suefngar uesa
né harm in heldr. W. Pl. 313-4.

enn af þeim harmi rann heipt saman
millim uirtar-uina. Ch. W. 55-6.

nam of þeim heiptom huetjase at uígi. L. B. L. 36.

mál-rúnar scaltu cunna ef þu uilt at manngi þer.
heiptom gialdi harm. W. Pl. 267.

Sacar, in the plural, is *feud* (in the singular a *law-case*), recalling the *saca* and *gesacu* of *Beowulf*.

siðr þú hefner þótt þeir sacar gæri. W. Pl. 254.

ef þú sacar deilir

uið h . . . hali. W. Pl. 291.

þar Forseti byggvir flestan dag

oc sucefir allar sacar. Grmn. 55, 56.

W. Pl. 313 is cited above, and Atlam. 367 is corrupt.

Other words for the feud are 'wróg,' the angry feeling arising from oppugned honour, a term connected with

rømm eru róg of risin. W. Pl. 320.

nidja ná-borna leidda nær vrógi. Hamd. 54.

The word connected with 'fiend' and kindred words (opposed to friend, frið, and the like) is 'fíon.'

sa uecr fíon með fírom. App. Ch. W. 4.

Stríð or *strife* (cp. Lat. *stilis*) originally denotes a struggle of any kind, from the hel-stríð or death agony of Landnáma-bóc, to mere competition in a wrestling match, but it has the strongest sense in the poems.

enn es uerra

níðja stríð um nept. W. Pl. 26.

The verb—

Atla þóttisk þú stríða at Erps mordi. Hamd. 30.

stríddi hon ætt Buðla. Atlam. 272.

níðjom stríð æxti. Atlam. 377.

Hatr, our *hate*, is connected with other terms of enmity and warfare, as also the term hatendr [OE hettend or hetend, Beow. and Brunanburgh Lay].

huars hatr uex með hildings sonom

þat má ec bóeta brátt. Havam. 80.

The cause of feud, the insult or wrong that *wakes the feud* in the old phrase (for Feud, like War, is a great goddess [Eris] and can be roused and lulled, and is spoken of as a person) is 'harm,' as will be seen from the phrases already cited. In later days, both in English and Icelandic, it has a passive sense, the distress caused by any misfortune, but its earlier sense is the legal one of *iniuria* (see Dict. s. v. 240). Theodwolf uses it of bodily hurt in Ynglinga-tal, 124. Note Beowulf's 'hearm-scaða,' and the way in which in the following phrase it is used of verbal insult.

nó he mid hearme of hlíðes nosan

gæstas grétte ac him tó geānes ráð

cwæð þæt wilcuman Wedera-leódum. Beow. 1893-5.

Another word, 'lýti,' originally used as Tacitus used *dehonestamentum*, stands for the wrong that brings forth feuds, usually bodily wrong; it has in the Christian poem a more refined sense of *charge of evil*.

sú uas þeim til lýta lagið. Ch. W. 48.

'Angr,' our *anger*, which originally denotes the struggle of pain, the choking and stifling *agony*, has in these Eddic poems the sense of a cruel wrong that causes bitter sorrow and hate.

enn þeir angr við þic ekki goerðo. Helg. II. 41.

And this is the sense in which the Dirge may be called 'angr-lióð' (Helg. I. 341), the song of the affliction, but also the cry of wrath against the slayer of the loved one. Note how long this very archaic mixture of anger and sorrow prevails in Teutonic England and France. It is hardly dead yet in part of Spain and in Sardinia. Thus the contemporary Franciscan Laments for Louis the Saint are full of abuse of Death; Death is bitter, foul, traitorous, abominable, cowardly, foolish, cruel, greedy, viler than a dog—a most curious survival¹. And there are even in sixteenth-century English poems traces of the same feeling and expression.

The curious word 'níð,' which in Old English is used precisely as 'heiptir' or 'wróg,' comes in Old Northern to have the sense rather of 'hearm,' particularly of verbal insult; but a trace of its older meaning survives in the reflexive 'níðasc' (see Dict. s. v. 455), and in the derivative 'níðing,' which will be dealt with in § iv.

To the breaking of peace or of the ties of blood or friendship (*nexa, uincula*, as the Romans put it) by the wrong that wakes the feud, the words 'slíta,' 'brjóta,' and 'ríúfa' (*slit, break, and rive*) are applied, and the vows and covenants which are violated are said 'ganga à,' to make off—to be sped, as we might say.

á gengosc eidar, orð, oc særi,
mál qll meginleg, es a meðal fóro. Vsp. 82-3.
áðr uin-scap U . .
. . um sleit við mic. Sonat. 85.
sleit ec pá sáttir, at uóro sacar minni. Atlam. 252.
. . . ues-þu aldregi

¹ Mort plus ville que chien. Diex tabate et asomme
Quar ce qui nest pas tien prens-tu, ce est la somme.
Ahi, Mort refusée et de pute value
Tu nes pas alosée, dehait qui te salue.

fyrri at flaum-slitom. Less. Lodd. 34.

sleit Fróða-frið. Helg. I. 51.

The *foe* is 'dolgr,' the person with whom one is at feud, a word *not* merely of abuse, as is proved by the Ala-dolgr of Ynglinga-tal, 108; though in the Christian poems one sees 'sǫko-dolgar' (Chr. W. 99), originally *persons suable*, take the meaning of *criminals*. The origin of the word is obscure. The compound 'dolg-viðir' occurs W. Pl. 285. Other words are 'and-scoti,' *adversary*, Havam. 58, Doom. 44; and 'fiáendr,' a word which in English comes to mean Ghostly Enemy, as 'dolgr' sinks to Demon in Old Northern books. 'Heipt-megir,' feud-man, is found in Havam. 57, and Suipd. 35; the curious 'fiðl-megir' in Vsp. 153 only. The Editor suggests that it stands for 'frefel-megir,' cf. German 'vrevell' = *felon*.

There are also particular words pointing out the enemy's special relation to the person on whom the duty of blood-revenge lies. These are 'bani,' 'φονος,' and its compounds. The slayer of a man is named after the person he has slain, 'Fáfnis bani,' 'Hunding's bani,' cf. Haddingja-scaðe (cf. 'Ἀργεϊφόντης,' 'Ἰππώνοος βελλεροφόντης,' and 'regi-cida,' 'pari-cida'); thus there are 'bróðor-bani' and 'sonar-bani.' The 'fodor-bani' does not appear in the poems, but doubtless existed; the very word 'hefnendr,' which expresses the son who is bound to avenge his father, is proof that the father's slaughter by an enemy was the most deadly wrong of all. Thus the proverb 'the feud never falls while the son is alive,' L. B. L. 48, is amply illustrated by such vows as that alluded to in the Doom of Balder, 42-4, by the Icelandic Family Histories, such as Færeyinga, and, finest instance of all, by the Vengeance of the Sons of Ingemund the Old, now found inserted in the Landnáma-bók.

The actual doer of the deed is 'hand-bani'; the contriver of it 'ráð-bani,' Hym. 72; the man who does the deed alone without help or counsel is 'ein-bani.'

bana muntu mer brœðra bæta aldregi. Atlam. 258.

sins um bróðor skær hann hand-bana. Short Vsp. 46.

orms einbani. Hym. 85.

See also 'bróðor-bani,' Lokas. 69; W. Pl. 309; Ch. W. 83-4; and O. G. L. 119; and note the whole beautiful passage in Sonatorrec, ending with the words—

Enn cc ecci eiga þóttome
 sacar-afl við sonar-bana,
 þui-at al-þjóð fyr augom uerðr
 gamals þegns gengi-leysi.
 Mic hefir Marr myclo ræntan,
 grimmt es fall frænda at telja. Sonat. 37-42. *cor.*

Indeed the whole poem (like the only one fit to be put beside it, Durayd's Dirge over his brother Abdallah) is the best possible example of the aspect in which the ancients looked on the subject.

As in Arabia, the sword might be bought off or borne, and it was quite as honourable to accept the offered were-gild or blood-wite as it was to exact revenge sword in hand. The institution of the were-gild, the existence of a tariff at which the injuries done to or slaughter of individuals of each rank of free-men were duly appraised, was of course necessary to this way of ending a feud. That such existed early in the North there seems evidence, but the exact tariff is not known, for Grágás and the later authorities only reckon in silver or wadmal, the currency of their day. The older tariff was probably expressed in terms of beasts, cows, and slaves, somewhat as in Ireland.

The compensation was sometimes a mere affair of setting off slain man against slain man, and paying the excess when a man more was slain on one side than the other. See Icelandic Sagas.

But often there were more complicated questions:—Was such a slain man an outlaw or criminal to be paid for or not? how far back was the reckoning to go? and so on; and, as a matter of fact, these questions appear, judging by later analogy, to have been usually submitted by both sides to arbiters or daysmen, 'iafnendr' lit. *eveners*, men who set matters straight¹.

Sometimes however one party will not be satisfied with anything but *self-doom*—to wit, that the other party should absolutely give him the right of making his own award in the matter. It was then said to be 'sialf-scapa' (the 'sialf-dœmi,' of the Sagas), scapa being the word used (cf. leggja, to lay down) of shaping or creating the *judgment* or *doom*, which was termed 'dœmi.' The office is rather akin to that of a judge than a juryman; the facts are plain, but the inference to be drawn is often hard to decide.

¹ 'Swiðri,' one of Woden's names, Jacob Grimm suggests to be such a law term, *pacifier*, 'pacator.' Note that purification is necessary to appease the gods after great crimes, even when atoned for legally, among Homer's Greeks.

The word for a *settlement*, by self-doom, or by others' award is 'sætt,' which was imparted into O. E. as 'saht,' and survives in N. Mid. Eng. to the fifteenth century. See Atlamal, 252. and

sem iafuendr unno es occr uilja sætta. Harb. 116.

sáttir letosc meðan saman drucco. Ch. W. 87.

There is in the Thulor App. a curious phrase defining an old law-word, 'líónar heita þeir menn es ganga um sættir manna.' Cf. Dict. s. v. 395. The word occurs in Ynglinga-tal 14, where one would read líóna bragi.

There are several words used for the *compensation*, but the regular legal term seems to be 'bót,' the O. E. *bót* and the 'boot' of our half-fossil phrase 'What boots it?'—a word discussed in Paper V above. Another word, *giöld*, 'gildi,' payment, is applied to other kinds of payment besides the legal one; its compound *ið-giöld* means repayment. A third word is 'laun,' 'hand-laun,' which survives in the O. E. *leán*, our *loan*, in a different sense. In the Eddic poems it seems simply a synonym for 'bót.'

Béta scal þer þat þá munda-baugi. Harb. 115.

þo hefir M . . . mer um fingnar

bqlua bætr. Sonat. 88-9.

oc bétir þer suá baugi B . . Lokas. 46.

þat má ec béta brátt. Havam. 80.

Huer giöld fá gumna synir

ef þeir liúgasc orðom á. W. Pl. 11, 12. *cor.*

Haf-þu H . . . heim harms at giöldom

brúðr bang-uarið oc burir þínir. Helg. I. 277-8.

þat es orð mælt at engi geti

sonar ið-giöld. Sonat. 78-9.

ill ið-giöld lét-ec hána eptir hafa. Love Less. 27.

oc launa suá lýðom lygi. W. Pl. 270.

huer hann af hraun-bua hand-laun um fecc

es hann bædi gallt bqrn sín fyrir. Hym. 147-8. *cor.*

The classic passages in which an offer is made of *Weregild* or *bót* are (—cf. Beowulf, 1080)

mani munec þic hugga, mætom ágetom,
silfri snæ-húito, sem þu sialf uilir. Atlam. 249-50.

tolf hundrað gefec þer manna (mana?),

tolf hundrað gefec þer mara,

tolf hundrað gefec þer scalca þeirra es sciöld bera,

manni gefec huerjom mart at þiggja

[annat œdra] . . .

mey gefec huerjom manni at þiggja,
meyjo spenn-ec huerri men at halsi,
munec um þie sitjanda silfri mæla,
enn ganganda þik golli steypa,
suá á uega alla uelti baugar,
þriðung God-þjóðar, þúi sealtu einn ráða. Hlod. 40-50.

The refusal of compensation was an insult of a deadly kind (cf. the famous story of Haward's vengeance in the *Isfirdinga Saga*).

Oln né penning hafdir þú þess aldregi
uan-rettiss, uesall. Lokas. 162-3.

The use of *ell* and *penny* in this latter citation instead of the *chattels* of the earlier ones proves late date¹.

III.

Of the details of PROCEDURE there are not as many hints in the poems as one would like to have, but such as there are, are in full consonance with the idea that one would gather from the later evidence. There is a *Moot*, the 'thing' whereat all legal as well as political business was done, precisely as in Tacitus' day, in public before the *whole congregation*, 'al-þjóð,' Sonat. 62, 74, in broad daylight. But law cases were not judged by the Assembly, but by a special *Tribunal* consisting no doubt of the king or officer that *spoke the law* and his assessors. They sat in a full court on judgment-seats in a ring, see Story of Starkad, C. P. B. i. 466, 467, and their office was 'um sacar dœma,' *to deem or judge cases* (Grip, 115), according to the law.

The Moots were held at regular seasons, and the riding to the Moot is a notable part of a man's public duty. As to battle so men rode to moot, in their best clothes and fully armed, though the court-stead itself, being hallowed, was a place of peace, and any breach of peace there punished in the same way as if committed in any other sanctuary. How the Moot-field and the Law-hill or

¹ There is a curious word coupled with 'geld' in *Béowulf*—'gamban.' This is, I believe, one of the few words in O. N. (like *gaman*, as Prof. Kluge has neatly shown) which retain the affix *g*—its second element, *ombun*, is met with in O. N., it means *tribute, wages*, and the like. It was paid by *tally*, called *gamban-tein*—

gaf hann mér gamban-tein. Harb. 63.

The tallies of our Exchequer were thus the survival of a very early mode of receipt and audit of debt.

Law-rock were hallowed we have no evidence, but from allusions in old prose phrases one would imagine that the typical moot-field would be a plain accessible to the range of country whence those who flocked to it came, near some spot made sacred of old time by a temple or a grave, or both, with good water and grazing ground for the horses of the assembled multitude. There would be a rock, hill, or great tumulus on which the judges sat and did their law-work, in a circle of seats of turf or stone, inside an enclosure marked off by stakes and ropes. From the rock or hillock the Speaker of the Moot would address the congregation, put matters to the vote (a vote taken by acclamation no doubt), and recite the new laws which were to be considered by the assembly. Here too no doubt the kings were chosen and proclaimed. There are many moot-steads or thing-fields in the British Islands whence the situation and character of such places can be studied. The Eddic poems do not deal much with peaceful moots, the battle or *moot of War*, as they put it, is more in consonance with their spirit. But there is a glimpse of the procession of the judges to form the court 'fara í dóma' ('dómar fara út' of the Sagas), and in the Story of Starcad the solemn court is seen sitting, each man on his seat, one delivering his opinion or sentence after another in order.

The word 'mál' [cf. L. L. *mallus*, O.E. *mapelian*] applies to any public business conducted in speech; the king's business is 'þiodans mál,' and it is a late use that confines the word to the law case or *causa* of the individual. 'Mál-uinr' and 'for-mælendr' are terms difficult to prove the exact meaning of, but they would seem to denote the patron or powerful neighbour or kinsman that takes up a man's case and conducts it for him as for a client, *maintaining* him, as the English lawyer would put it. Judging from Egil's poems and the Icelandic authorities, the good 'mál-uinr' was not only expected to uphold his client's cause with the tongue at court, but also back him sword in hand if necessary.

The whole picture, which may be recovered in parts from the Eddic Lays, is marvellously in agreement with that drawn by Tacitus in the *Germania*, and that given by Ari in his *Historical works*.

þueginn oc mettr riði maðr þingi at
þótt hann sé uæddr til uel. G. W. 305-6.

hon sua goerr at þú gair eigi
þings ne þjóðans mála. Less. Lodd. 10.

mic héto . . .

Þróf þingom at. Grimm. App. 42-3.

Grani rann af þingi. O. G. L. 9.

senn uóro Æsir allir á þingi

oc Ásynior allar á máli,

oc um þat réðo ríeir tíuar

huí uæri . . . Doom 1-4.

Of the *Dooms*—the *Court* as distinct from the *Moot*—

þá gengo R . . . qll á roec-stóla. Vsp. 20.

á þuí þingi es þjóðir scolo

i fulla dóma fara. W. Pl. 240-1.

. . . ne um sacar döemir. Grip. 115. Cf. also Grimm. 55-56.

The 'mælendr' are in question—

mál-uinr manna. Grotþ. 35.

maðr es á mót um cœmr,¹

oc á for-mælendr fá. G. W. 115-6.

þá þat fiðr es at þingi cœmr

at hann á for-mælendr fá. G. W. 193-4.

. . . Idja glys-mølom,

þiaza þing-scilom. Biarkam. 18.

Various kinds of suits there were, but the mode of procedure was probably the same in all. This part of the subject is necessarily obscure to us, and it is not likely that, when with all the help of the whole *Corpus Iuris* the actual procedure of Justinian's day is by no means clear to us, these Lays should give much information. Plaintiff and defendant are said, 'deila sacar,' a phrase which shows that the best description of the primitive Teutonic law-suit would be a *feud in court*.

Of phrases denoting *legis actiones*: first is 'cuedja,' to *summons*, or better, to *call on the defendant to perform some act in law* [whence the term 'cuðð,' a *duty* or *demand* or *summons*, is in later law derived]. The word 'cuiðr' which stands for *verdict*, *legal declaration*, is of high importance, for it implies a 'quest' or 'recognitio' by sworn witnesses in our later authorities; and there is nothing to forbid the theory that even as early as these poems some *jury of inquest* was established in the North. The age of the poem, the Old Play of the Wolsungs, and the truly archaic form of the term 'heimis-quíðr' occurring in it, is a strong though isolated piece of evidence to this effect.

¹ We suggest à mót um, for, með mörgom.

Of any *jury of presentment* or the like, if such there were, nought remains to tell.

A court must be *full* to give judgment. W. Pl. 241.

To *deny* is 'synja'; to *acknowledge an act* 'lýsa'; to *set up a false plea* 'dylja'; to *upset a decision or an adversary's claim* 'quiðja,' Lat. 'ueto.'

The strict observance of time in archaic law is noted here also, the man who missed his day was treated as a *wilful defaulter*, 'þing-logi.'

The *plea or declaration or doom of the judge* is 'orð,' which stands for any 'legis uerbum,' cf. 'ban-orð,' etc.

To *decide a point of law* is 'leggja lög,' to lay down the law, as we have it still in familiar speech.

Of a suit for weregild the old summons is given—

cuðddo síðan Sigmundar bur
auðs oc hringa Hundings synir,
þui at þeir áttu iðfri at gialda
fiar-nám micit oc fǫðor dauða.
Létad buðlungr bótir uppi
né niðja in heldr nef-giöld fá. Helg. I. 41-46.

Other passages dealing with procedure in court are—

Uágom or scógi þannz wildom sycnan :
comta-þu af þui þingi . . .
at þú sǫc sættir ne slæcðir aðra,
uildir aualt uægja enn uætcí halda.
cyrt um þui láta. Atlam. 365-9.
enn slícs scylde synja aldri
maðr fyr annan þar es munoð deilir. Oddr. 88-9.
cann-ec slícs synja. Atlam. 247, *see also* Ord. 28.
feginn ertu, Atli, ferr þu uíg lýsa. Atlam. 243.
dylja mun þic eigi dóttir G . . . Atlam. 328.
ne þeir dyljendr ugdo. Akv. 5. *cor.*
duleð ertu Hyndla. Hyndl. 24 *and* Rimeg. 32.
queðcat-ec dul. Yng. 35.
síðla ec com snemma ec callaði
til dómualdz dura
þing-logi . . . ec heitinn warc. Ch. W. 118-9. *cor.*
Urðar-orði cuiðjar engi maðr. Swip. 237.
era þat hæft at heyrom scyli
cuiðja Fáfñir fiar. W. Pl. 39-40. *n. cor.*
cf. þær lög lögðo. Vsp. 51-2.

The person upon whom the burden of proof fell, must prove his innocence according to the prescribed method, and as in other Teutonic law systems, the *oath* seems to have played a great part here. With its forms we deal later on.

But the *ordeal* and the *judgment of battle* was enjoined in some cases, though we do not know the details. The old poet advises the suitor or defendant to appeal to the sword rather than run the risk of having foul charges brought against one, and expresses a doubtless well-founded distrust of the verdict of a jury of inquest—

Ef þu sacar deilir
 uið heimsca hali
 berjasc es betra en bregðasc sé
 illom orð-stofom. W. Pl. 291-4.

The ordeal described is one in which a woman is accused of adultery and offers to purge herself, the ordeal proving her innocent, her accuser (also a woman) is put to the same proof and fails. The oath as in later times is taken before the ordeal. The lady has the right of denying the charge by champion, but has no champion to bring forward. The ordeal is public.

þer munec allz þess eiða uinna,
 at inom huíta helga steini
 at ec uið þjóðmars son þattci áttac
 es uorð ne uerr uinna cnátti. Ord. 9-12.
 suerði mundi Högni slícs harms reca,
 nú uerðec sialf fyr mic synja lýta. Ord. 27-8.
 sentu at Saxa Sunn-manna gram
 hann cann helga huer uellanda. Ord. 21-2.
 sian hundrod seggja í sal gengo
 áðr cuán conungs i cetil tæci. Ord. 23-4.
 brá hón til botz biðtom lófa
 oc hón upp um tóe iarcna-steina
 ‘Se nú, seggir, syen em ec ordin
 heilagliga, hue siá huerr uelli.’ Ord. 29-32.
 Sá-at maðr armlict huerr es þat sát
 hue þar á H . . . [the accuser] hendr suidnoðo. Ord. 37-38.

Of another early legis actio, wager of battle, or ‘duellum,’ a late example only occurs, resembling cases given in Landnáma-bóc,

á holm þeir gengo fyr ið horsca uíf
 oc fengo báðir bana. Ch. W. 59-60,

the place of fight, a holm or eyre, where the combatants are in

view, but cut off from interference; this passage also gives the usual term between summons and trial—

mer hefir stillir . . . stefnt til eyrar
þriggia náttu scýlac til þings coma. Helg. II. 56.

The lines in Havamal, 'ef ec skal til orrosto leiða lang-uini,' may possibly refer to the wager or ordeal by battle. The words for fixing and calling a moot and a battle are the same, 'heyja' or 'leggja' or 'stefna til'; both meetings are to decide *moot* questions. Even the ordinary pitched battle between hosts is regarded as a legal mode of decision, as the phrases 'þal-stefna,' 'hior-stefna,' 'hior-thing,' 'brímis dómar,' cf. Helg. I. 76, 49, 216, 147, 207, and the 'bryn-thing' of the W. W. L. 85, would show. Cf. C. P. B. ii. 483, and the fine article on the Wager of Battle in the Chansons de Geste in Z. f. Rom. Phil. 1885, by M. Pfeffer.

The classification of wounds is necessary in early systems of law where compensation must be adjusted according to it. The deadly wound or *mortal wound* is 'ben,' used chiefly in the plural 'benjar.' The verb 'benja' is once used.

scal engi maðr angr-lióð kueða
þótt mer á briósti benjar líti. Helg. II. 341-2.
kendi brátt benja, bandz það hann þorf ænga. Atlam. 325.
bróðor mín hefir þu benjaðan. W. Pl. 158.

'Und' is a wound that can be healed, and 'sár,' *sore*, usually a cut wound.

sæir bréðr þínom blóðokt sár,
undir dreyrgar knættir yfir binda. L. B. L. 129-30.

With this branch of the subject that of *punishment* is closely connected. Tacitus, who notices the division of crimes among the early Teutons, speaks of flagrant crimes being exposed by hanging the culprit, disgusting ones hidden away by drowning the offender.

But here the reasons he gives are his own, and they are far too late in sentiment to be true: the real reason surely is that such criminals, if men, were *sent to Woden*, if women were *given to Ran or Hell*, the men were sent to the gallows, the women to the pit or fen. The *pit and gallows* stood on the west of the moot-places or the prince's hall ready for use. The execution of such offenders by *sacratio* originally was regarded, we should suppose, as purging the nation of any guilt or sin that might be imputed to it for their offences.

The gallows were horse-shaped, not of the modern conventional signpost-shape, hence the metaphors of 'riding the gallows,' 'riding to Woden,' and the like.

uargr hangir fyr uestan dyrr. Grimn. 35.

uarg-tre uind-cöld uestan bæjar

oc systor-son sáran á meiði. Hamd. 81-2.

ef ec sé á tré uppi

uáfa uirgil-ná. Havam. 96-7.

ec hécc Vinga-meði á

geiri undaðr oc gefinn Óðni. Havam. 9-11.

ella heðan biðit meðan ec hœgg yðr galga. Atlam. 134.

The custom of first wounding the criminal with the spear, marking him to Woden, was evidently observed at this time, as it occurs in the story of Starkad, C. P. B. i. 467.

The woman's execution, which Tacitus tells us was also meted out to cowards or unnatural criminals, who were counted as women, is thus described.

Leiddo þá mey í mýri fúla:

sua uarð G . . . sýcn sinna harma. Ord. 39-40.

There occurs also notice of what looks like an archaic form of execution, adopted where the criminal or foe was slain in revenge, possibly a devotion to the dead man who was to be revenged—the *bloody eagle* marked on the back by the sword, a process described by later sagas, but clearly without any knowledge of its original meaning.

nu es blóðogr grn bitrom higrui

bana Sigmundar á baci ristinn. W. W. L. 39-40.

The witch or wizard (as in later days the heretic) was to be burnt or stoned, nor earth nor water could receive even the body of such a criminal. To kindle such a fire is 'slá eldi um': cf. Hyndla Lay, where the witch is threatened with fire, the appropriate punishment for her peculiar crime.

brend muntu á báli oc barið grióti ádr. Atlam. 312.

This burning would also prevent haunting, as the decollation and placing of the severed head at the thigh of the body prevents it. Cf. Grettis Saga in the Story of Glam¹.

¹ The latter practice has survived till our own day in Corsica, though, as far as I could ascertain in the case I know, without any knowledge of its early meaning. Note the famous case in Glendower's day of the mutilation of slain Englishmen by the Welsh women. Cf. the article in American Journ. Philol. 1885, on 'Armpitting.'

The convicted criminal might be, as in nearly all nations at an early stage, banished or put out of law, and the same word is used for him as for the convicted and executed criminal, 'uargr,' the *wolf* (the *wolf's-head* of our early law), the nobler exile 'wræcca' seems to be legally one driven abroad, but not convicted, as 'flyma' was the mere fugitive. The outlaw lives in the wood, gaining his living as a *bandito*, hated and feared and pitied.

ef þu uærir uargr á uiðom úti. Helg. I. 268.

nacðir þeir urdo or næmdir huíuetna

oc runno sem uargar til uiðar. Chr. W. 39-40.

at uidi wrecasc. G. W. 34.

huí es þer, stillir, stæcct ór landi? Helg. II. 48.

mic hefir micil glœpr meiri sóttan. Helg. II. 50.

uágom or scógi þannz uildom sycnan. Atlam. 360.

IV.

Of CRIMES there were, as was aforesaid, two great categories, the deadly crimes which were unatonable, and those which might be compensated for. Thus in the Law of Cnut, § 64, hús-bryce and bænet and open þyfð and æbere morð and hláford-suíce æfter woruld-lage is bótleás. To this list of deadly crimes, naming house-breaking, arson or fire-raising, open theft (ran), and clear murder and treason to one's lord, the Northmen seem to have added unnatural crime (arg-scap), witchcraft, blasphemy, and oath-breach, all of which are spoken of with special loathing and detestation. The offence of cowardice and of slaying those near-of-kin, the Roman *pari-cidium*, was also bootless (as *Beowulf* shows, 2441)¹.

The innocent man is 'saclauss' *sackless*, and the *guilty man* is 'soco-dolgr,' Ch. W. 91, 99. The convict is 'uarg,' the *wolf*; cf. the Age of Felony, uarg-old of the Woluspa poet, 112.

The word 'sycn' refers rightly to the man who has purged his guilt by fulfilling his outlawry, by *ordeal*, or 'orrosta,' *earnest, wager*

¹ Brother slaying brother is of course *bootless*, quite irrespective of the heinousness of the offence which considers even an innocent fratricide as a great crime; for by the very theory, upon which were-gild was paid to the next of kin by the slayer, brother could not pay for brother.

wæs þam yldestan ungedéfelice
mægesdædum mordor-bed stréð . . .
þæt wæs feoh-léas gefeoht.

The Homeric Greeks make the same account of kin-killing.

of battle, or getting restored to his legal status. It differs from 'ósannr' insons, the man who is declared by verdict of sworn men, no offender.

The fierce punishment which greater criminals meet in the pit of the World of Hell, according to the author of the *Woluspá*, touches the following, though the text is fragmentary:—*perjurer*, 'mein-suari,' Vsp. 173, 'uára-uargr,' W. Pl. 259, Vsp. 176; *murderer*, 'morð-uargr,' Vsp. 173; *hidden murder*, 'folg-uíg,' Vsp. 74; *adulterer in secret*, 'sa-es glepr annars eyra-rúno,' Vsp. 174; *coward*, 'níðing,' Vsp. 180; *witch*, 'fordæda,' Vsp. 175, also W. Pl. 271, Lokas. 128, but the text is fragmentary, and there was doubtless a full table in the original. There is also a fragmentary list to be culled out of the Old Wolsung Play, where only the man-sworn, the incestuous, the murderer are now mentioned.

These great crimes seem to have been termed 'glóep.'

nu hefir-þu enn aucit . . .

greipt glóep stóran. Atlam. 310-11.

mic hefir miclo glóep meiri sóttan. Helg. II. 50.

Taking them one by one, and first *treason*, 'suic.' This offence covers all breaches of peculiar trust, in which a crime is committed against a person one is bound to by such ties as friendship, affinity, kinship, service: our mediæval English high-treason and petty-treason will include most of these offences.

illt es uin uéla. Atlam. 332.

of þik uéla uinir. Grimn. 138.

munc uin-þiófr uerða heitinn. Egil. 49.

oc laun-suic inn lóm-gedi. Yng. 165.

þu uerðr, siclingr, fyr suicom annars

mundu Grím-hildar gjalda ráða. Grip. 129-30.

Drottins-suica es Diöfulinn hlægdo. Ditty 43.

uáandr munc heitinn

S . . . með seggjom at sogoro. Grip. 157-8.

Murder—that is, secret-killing, or slaying by night or by wicked means—is 'morð' [Lat. mors].

Synð hans suall, sofanda myrði. Ch. W. 23.

menn . . . es myrðir ro

allz fyr cengar sacar. Sol. 168-9.

The word for slaughter is 'uíg,' and this is perhaps the older

word, for besides mere *manslaughter* or killing in fight, it is compounded with *folg-*, *morð-*, and the like.

A base offender is called 'argr,' a highly offensive word (cf. Paul Diaconus and *Loka-senna passim*)—

mic muno æsir argan calla
ef ec bindasc lætc brúdar-líni. þrym. 69, 79.

a quotation which illustrates the Jewish prohibition of men wearing women's clothes.

Robbery with violence is 'rán.'

menn . . . es marga hǫfðo
fé oc fígrui rænt. Sol. 125-6.

The later Christian poems treat all forms of robbing one's neighbour as spiritually criminal.

menn . . . es inǫrgom hlutom
uילו um annars eign. Sol. 121-2.

Brenno-uargr, the *fire-raiser*, does not occur in the poems, and the *suip-uisar* conor of Solarliod, 99, is the only additional legal reference to *witches*, for whose names see C. P. B. i. 468.

Blasphemy, 'godgá,' is found in connection with Hialte's famous níð, where the word *geyja* occurs: Ditty 58; *god-uargr* is used, C. P. B. ii. 80, l. 25.

Slander, a minor offence, seems to have two aspects, one the older, in which a satire is believed to have by the power of the poet a real effect, by which means this crime is hateful, and approaches witchcraft [Lat. *incantatio*] in its effects, the ceremonies of the níð-stang and the horse's scull are part of this aspect of slander, and are very archaic. See C. P. B. i. 419; ii. 572. The Irish belief in the poets that could rhyme men and beasts to death, was kept up till late in Iceland. See C. P. B. ii. 415, No. 54.

The other view of the matter is that connected especially with satiric love-poems 'man-song.' It is a common incident in the Icelandic Family Sagas for a man to be bound in honour to revenge himself to the death upon his satirist. False reports and treacherous misstatements approach this aspect of the offence and bring it near to *perjury*.

hrópi oc rógi ef þu eyss á holl regin. Lokas. 15.
flá-rád tunga uard honom at fígr-lagi
oc þeygi of sanna sǫc. Ch. W. 141-2.

menn . . . er mart hafa
orð á annan logit. Sol. 137-8.

Another passage, which, though terribly mangled in the MS., yet preserves an interesting word if the Editor's conjecture be accepted, and no other reading seems to me at all satisfactory—

þat rædec þér . . . at þú þingi á
deilit við heimsca hali:
þuiat ó-suiðr maðr lætr ó-cueðins
orð . . . viti. W. Pl. 260-4. *cor.*

This term 'o-kueðins-ord' in the Guta-lag, c. 39, is given as meaning legal and punishable libel or insult, *iniuria uerbi*. *Words not to be used to a man are four—thief, murderer, robber, incendiary; but to a woman five—thief, murderess, adulteress, witch, and incendiary.* In later Danish 'oquems-ord' occurs a mere corruption of the older form, thus—'ó-cueðins-ord,' 'o-quens-ord,' 'o-quems-ord,' with a folk-etymology, *unseemly* or *uncomely speech*.

To carry off a woman is not in itself a *crime* at all, though it is (as Thucydides, and no doubt many before him, very justly observed) a most fruitful source for a feud between families, or even a war between nations. But *incest*, 'sifja-slit,' and the seduction of a kinsman's wife is a grave offence, as is *adultery* in a woman, which is indeed a species of treason to the Teutonic legal mind, and to be punished with death: cf. the case of Gudrun cited above under *Ordeal*, and quotations below, pp. 85, 86.

V.

The subject of PERJURY is but connected with OATHS, and may best be treated in connection with it. For the general subject of Oaths and Vows of the heathen time among the Old Northern folk, see C. P. B. i. 422. To *give an oath* is 'selja eiða'; to *take it*, 'uinna eiða'; to *swear an oath*, 'suerja eiða'; to *maintain* or *respect it*, is 'þyrma eiðom,' to *uphold* it is 'halda eiðom.'

eiða scaltu mer áðr alla uinna
at scips borði oc at scialdar rønd
at mars bægi oc at mækis egg. Weyl. 133-5.
Baug-eið Óðinn hyggec unnit hafa. Love. Less. 55.
Ið munoð alla eiða uinna. Grip. 121.
mer hefir S . . . selda eiða
eiða selda alla logna
þa nælti hann mic es hann [u . . .] scylde
allra eiða einn full-trui. Sh. Br. L. 3-6.

tóc við trygðom tueggja brædra,
 seldosc eða elion-fræcnir. L. B. L. 3, 4.
 þat ræd-ec þer . . . at þú eið ne suerir
 nema þann-es saðr sé. W. Pl. 256-7.
 . . . sem þú við G. áttir
 eða opt um suarða oc árófa nefnda
 at sól inni suðr-hollo oc at Sigtýss berge
 hólcní huíl-beðjar oc at hringi Ullar. Akv. 117-120. *cor.*
 Hue h . . . hafði fyrri
 eiðom haldit við inn unga gram. Sh. Br. L. 71-5.
 þic scyli allir eiðar bíta
 þeir es H . . . h . . . hafðir unna
 at eno líosa leiptrar uatni
 oc at úrsuðlom Unnar-steini. Helg. I. 257.
 sór þa Uingi, ser réð hann lítt eira,
 eigi hann Iotnar ef hann at yðr lygi
 galgi goer-uallan ef hann á grið hygðe. Atlam. 111-113.
 þyrmda ec sífom suðrom eiðom. L. Br. L. 112.
 mun engi maðr oðrom [eiðom] þyrma. Vsp.
 þyrma veom. Hæm. 55 [showing the bearing of the word].

The 'arófa' of the citation are the witnesses named to the oath taken in legal formalities.

The subject of Vows rather belongs to Religion than Law, but Wager, in its aspect of an early contract, is noticed.

høfði uedja uid scolom . . .
 gestr um geð-speci. Vafþ. 71-2.

The perjurer is 'uára-uargr,' 'uár-liúgr,' Arinb. 50. *cor.*; and perjury is 'uárlygi,' Atlam. 338; 'uárom,' 'uarg-dropa,' W. Pl. 308. Of other origin but like meaning are the rofi-series, 'griða-rofi,' W. Pl. 258; 'eið-rofi,' Sh. Br. L. 64. There is a curious proverb on treachery and perjury, the bearing of which is plain, but the exact meaning to me obscure: it occurs in two forms.

grimmar limar ganga af griða-rofi,
 armr es uára-uargr. W. Pl. 258-9.
 ósaðra orða es á annan lýgr
 of lengi leiða limar. W. Pl. 15.

VI.

Of the FAMILY somewhat was said in the Corpus Poeticum (vol. ii. 472), but there are some additions to be made to the citations there placed in a different connection.

The main word for *family* is 'ætt' *ought*, the family in its aspect of a mass of rights and property possibly. A kinsman is 'ættingi,' Grip. 37. 'ættar-scioldr,' Egil Sonat. 56, is a poetical expression for *son*, *scion*, cf. 'ætt-conr.' The near of kin are 'hæfod-nið,' as Ord. 20.

sleit marr bōnd minnar ættar
snaran þátt af sialfom mer. Sonat. 31-2.

þuiat ætt mín á enda stenzc. Sonat. 17.

lífið einir ið þátta ættar minnar. Hamd. 17.

The chief words in the poems for kinship by blood are :—

grandmother, 'amma,' Hym. 27, Righ. 62.

father, 'fadir,' *passim*.

mother, 'móðir,' Grip. 12.

mother's brother, 'móðor-bróðir,' Grip. 23, cf. Tacitus Germ.

brother, 'bróðir,' 'hlýri,' Lac. Lay, vol. i. 315, l. 13, barmi, Thul. 211; *brother german*, 'hnit-bróðir,' Hym. 91.

son, 'sonr,' 'nidjar,' Akv. 36, Atlam. 377, Yng. 18; 'iódð,' Treg. 25; 'mægr,' Hym. 27; 'búrr,' Grott. 82; 'afspring,' Yng. 60; 'frændr,' Yng. 58; and of the son as *heir* 'erfi-nyttja,' L. B. L. 102; 'erfi-uærd,' Treg. 25; 'lang-feðgar,' Yng. 142. *corr.* (son after father); 'lang-niðjar,' vol. i. 79, l. 25.

sister, 'systir,' *passim*; 'iodís,' Yng. 37; 'dís,' Yng. 52; 'nipti,' Helg. I. 253; *mother's sister's son*, 'systrungr,' Atlam. 196, Vsp. 109; *brother and sister*, 'systkin,' Atlam. 354.

daughter, 'dóttir,' *passim*; 'brúdir,' Harb. 105; 'mær,' Yng. 40; *brother's sister* or *niece*, 'bróðor-mær,' Yng. 150. The words for this relationship, as for sister, are often merely terms signifying *young woman*.

Affinity is 'mægð,' Atlam. 189; and *kinsman-in-law*, whether son-in-law, father-in-law, brother-in-law, is 'mágr,' a word even used for son, the primitive idea being probably that of strengthening (cp. 'eflðisc hann uið Eymund,' Hyndl.)¹ an early political section. Another even stronger word for a relative by affinity is 'hleyti,' which recalls the Latin consors.

¹ The true meaning of the mægð seems to be the *kindred*, but in the bulk of the passages in the Eddic Lays which use this term, the kindred of a man to his mother's family is implied; the paternal family being unnoticed owing to the circumstances of the case. The best discussion of the legal force of the term is to be found in 'Essays in Anglo-Saxon Law,' Boston, 1882, in a chapter

- mun ec við þá G . . . goerna hleyti
oc G . . . ganga at eiga. Grip. 133-4.
- broeðra-hleyti. Sonat. 66. *corr.*
- Hué mun at ynði eptir uerða
mægð med mönnum. Grip. 173-4.
- mægð gat-ec micla. Atlam. 189.

Sib, 'sifjar,' is a third word for affinity; its derivation is 'sifjungr,' Atlam. 304; Thul. 218.

- muno synir Giúca a sifjungi mer
eggjar rióða. Grip. 199, 200.
- . . . barna-sifjar duga
oc allra ósc-maga. Lokas. 62-3.

Other words denoting affinity are :—

- sister's husband*, 'systur-uerr,' L. Brun. Lay, 107.
- daughter-in-law*, 'snor,' Treg. 45.
- mother-in-law*, 'suæra,' Atlam. 347.
- brother-in-law*, 'suárr,' Thorod. Eirics Drápa, 29.

Fosterage, so prominent in Ireland, and of much importance in Norway and Iceland, appears in the later poems, as in the Icelandic Family Histories.

- enn dýrr conungr
. . . man Heimir fœdir. Grip. 107-8.
- Fóstra Heimiss. Grip. 114, 124.
- fóstr-man mitt oc faðerni. L. B. L. 268.

Sworn-brother-hood (C. P. B. i. 423). Beside the classic passage

by Ernest Young, where the Sachsen-spiegel is employed to illustrate the allusions in the Old English law, according to the following system :—

- | | | |
|---------------|---|---|
| family . . . | { | 1. head, man and wife. |
| | | 2. neck, full brothers and sisters. |
| sifja or mægð | { | 1. shoulder-joint, full brother's and sister's children, half brothers and sisters. |
| | | 2. elbow. |
| | | 3. wrist. |
| | | 4. mid-finger, 1st joint. |
| | | 5. „ 2nd joint. |
| | | 6. „ 3rd joint. |
| | | 7. „ nail. |

and the rights of succession is *Descendants* : 1. sons ; 2. daughters ; 3. grandchildren, etc. *Kinsfolk* upon failure of issue succeeding thus : 1. father ; 2. mother ; 3. brother ; 4. sisters.

The only succession suit, clearly noticed in the Eddic Lays, is the suit for the Hoard after Fafni has slain his father, when, according to the corrected text of the W. Pl., the sisters egg on Regin to claim his share of the inheritance, according to law. The ancient, obscure word 'heyrom' (Dict. 261 b) seems here to be concealed under the corrupt 'hiorui.

in Brunhild's Lay, describing the blending of the two sworn breðren's blood, is the footstep, a ceremony, the exact significance of which is dark to us. There are several notices of this tie, which is more fully noticed by Are and the composers of the Histories of the early days of the Settlement.

mantu þat . . . es við í ár-daga.
 blendom blóði í spor. Lokas. 34. cor.
 síðjom es þá blandit huerr es segja ræðr
 einom allan hug. G. W. 125-6.
 mantatta, G . . . til gœrua þat
 es it blóði í spor báðir renndot. Sh. Brun. L. 66.

VII.

MARRIAGE. On this head there is pretty full evidence in the poems, and nearly every legal aspect of the status is touched on. There is in Thrymskvida an excellent description of the bridal dress and of the bridal feast, while in the Atlamal (which is the most full of legal information of all the poems) and in Aluismal there is a complete notice of the wooing and bringing home of the bride.

To take in order the various acts.—The *asking* or *bidding* of the bride at her father or guardian's hands 'bidja'; his *promise*, 'heit,' heitasc; the *vows of betrothal*, 'selja uárar,' 'veitasc (bindasc) uárar,' C. P. ii. 527; the *espousal*, 'fastna'; the *paying of the bride-price to the guardian*, 'mundi caupa'; the *bride's portion or dowry*, 'meiðmar'—such are the preliminary steps to marriage, after which the bride is spoken of as *given* to the husband, who *takes* her¹.

biðja B. til handa Gunnari. Grip. 139.
 ef ec scal mærrar meyjar . . . biðja. Grip. 143. cor.
 þa uas oss . . . synjat Suáfniss dóttor
 hringom gœddrar es uer hafa uildom. Helg. II. 20-1.
 þeim hétomc þá þíód-konungi. L . . Br. L. 160.
 hefir mín fadír meyjo sinni
 grimmom heitit Granmars syni. Helg. I. 71-2.
 mund gallt ec mærrí, meiðma fiöld þiggja,
 þræla þríá tigo, þýjar siau góðar,
 scemð uas-at slíco, silfr uas þó meira. Atlam. 341-3.

¹ The Landnáma-bóc uses 'taca cono' correctly of the marriage by capture, and this is, we doubt not, the earlier and truer use; cf. Hornclaf's Ravensong 86.

golli ceypa leztu Gymiss dóttor
 oc seldir þítt suá suerð. Lokas. 168-9.
 þar hefir dýrr conungr dóttor alna
 þá mundu, Sigurðr, mundi caupa. W. W. L. 65-6.
 uas ec Hǫð-broddi í her fǫstnoð
 enn ec iofor þann eiga uilcac,
 þó siame, fylcir, frǫnda reiðe
 hefi ec míns fǫður mund-rád brotið :
 hafa-cuazc hon H . . . z þau hel scyldi. Vols. kv. 7-12. *new cor.*
 mundu fastna þer . . . fóstro Heimiss. Grip. 156.
 mey budo hónom oc meiðma fiǫld. L. B. L. 5-6.
 þu scalt . . . gerst um láta
 míno landi oc mer sialfri. L. B. L. 37-8.
 buðo þeir Atla bauga rauða
 bróðor mínom, boetr ósmár,
 baudi hann enn uið mer bú fimtán,
 hlið-farm Grana, ef hann hafa uildi ;
 enn Atli . . . kuazc eigi uilja
 mund aldreǵi at meǵi Giúca. Ord. 76, 81. *cor.*
 unz mic Giúci golli reifði
 golli reifði, gaf Sigurði. O. G. L. 34.
 at ósætt mínni scalattu þat ið unga man hafa
 oc þat giaforð geta. Alvm. 23-4.
 þau Helgi oc Suáua ueittoz uárar. Lost part of Helgi III. See Corp.
 P. B. ii. 527.
 máca-ec víg-risnom várar selja. O. G. L. 97.
 Leyfð uastu eccja, léto stór-ráða,
 uarða uán-lygi es [uárar bundom].
 fórtu heim hingat fylgði oss herr manna :
 margs was allz sómi manna tiginna,
 naut wóro érin, nutum af stórom. Atlam. 334-8. *cor.*

The power of the guardian over the woman in ward is shown,—

oc mer Atli þat einni sagðe
 at huárce lezc háfor um deila
 goll ne iarðir, nema ec gefasc létac,
 oc engi hlut auðins fiar,
 þa es mér iód-ungri eiga seldi
 oc mér iód-ungri aura talðe. L. B. L. 143-8.
 hann scaltu eiga unz þic aldr uidr
 uerlaus uesa, nema þú uilir þenna. O. G. L. 102-3.

The Lays of the Codex-Regius Lacuna in the Wolsunga Saga paraphrase have an interesting passage in which the guardian declares that it was never heard of that a man should offer his

daughter before she was asked for, but that he will even do this for Sigfred, so much does he desire the match between them.

The succeeding steps seem to be *fetching the bride home*, which, as the Lay of Rígh shows, was properly performed by *driving her in a chariot* (possibly an archaic survival of the capture-marriage). Then there came the *bridal* (*brúð-laup*) a feast¹, at which the bride, according to *Thryms-kviða*, seems to have given *gifts of affection*, 'brúð-fé,' to her husband's kinswomen. Mention is also made of the *solemn making of the bridal-bed*; and there seems to have been a ceremony at which the bride made a *vow of fidelity*. A kind of *sacratio of the bride* is performed in *Thryms-kviða* by placing the hammer of Thor on the bride's lap: possibly the *teraph* of the family was normally used for this purpose (there are indications pointing that way). These ceremonies, especially the bridal feast (as is seen from an important passage in *Landnáma-bók*), constitute the marriage; the husband is said *to walk to own* the wife 'ganga at eiga'; the wife *to walk with the husband* 'ganga með,' or, as the usage was for all married women to wear a head-gear of linen, 'ganga und líni,' to go under the linen; the pair were now *husband and wife* 'uer oc uærd.' There seems to be a hint of a *morning-gift* by the husband to the wife in a passage of the *Brunhild's Lay*.

létom síga saman sátt-mál occur
léc mer meirr í mun meiðmar þiggja
bauga raða burar Sigmundar,
ne ec annars mannz aura uildac. L. B. L. 154-7.

The bridal-feast was often provided by the wife's father; the higher in rank and riches of the two, husband or guardian, seems at the time of the settlement of Iceland, c. 900, to have given the feast.

The chief passages relating to the actual marriage are

báðo hennar, oc heim óco,
gifto Iarli, gecc hon und líni. Rig. 159-60.
heim óco þá H., gifto Carli. Rig. 84-6.
mun-ec við þá Gunnar gœrna hleyti,
oc Guðrúno ganga at eiga. Grip. 134-5.

¹ This word *bride-running* clearly points to the capture-marriage: the bride-racing of the Esths, as witnessed by Wulfstan, will illustrate its earlier aspect. The Northmen seem to have disused the practice; and the word alone survives to prove its former existence.

eiga gecc Almveig. Hyndl.
 Becci breidi! Nú scal brúðr með mér
 heim í sinni snuasc. *Alvm. 1-2. cor.*
 mey frum-unga fal hann megí Giúca. *L. B. L. 17.*
 saman muno blúðlaup bæði druccin.
 S. oc G. í sglom Giúca. *Grip. 169-70.*
 inn com in aldna Iotna systir
 hin es brúð-feár biðja þorði,
 láttu þer af hondom hringa rauða
 ef þu æðlasc uill ástir mínar,
 ástir mínar, alla hylli:
 drap hann ina ǫldno Iotna systor
 hin es brúð-fiár of beðit hafði;
 hón scell um hlaut fyrir scillinga,
 oc hœgg hamars fyr hringa fiöld. *Thrym. 117-21, 130-4.*
 ganga með ueri. *O. G. L. 88.*
 ganga með Ingólfi. *Ditty. 23.*
 uas ec þremr uerom uegin at húsi. *Treg. 10.*
 enn um aptan
 þa es Gunnari gœrdag reccjo. *Oddr. 44-5.*
 leggit Miollni í meyjar kné!
 uígít ocr saman uárar hende. *Thrym. 124-5.*

The single passage in which the wife vows everlasting fidelity is:—

mælt hafða-ec þat í Munar-heimi
 þa es mer Helgi . . . hringa ualdi,
 mundiga-ec lostig at liðinn fylci
 iðfor ócunnan armi uerja. *Helg. II. 91-4.*

To the use of 'uer' and 'uærd' the following notices speak:—

uǫrð né uerr. *Ord. 12.*
 eigot þær uardir uera. *Riddl. 72.*
 þat er uálítit þótt ser varðir uers fai. *Lokas. 132-3.*
 uarda. *Thrym. 54.*
 frum-uer. *O. G. L. 81. L. B. L. 242.*
 Friggjar-uerr. *Sonat. 7.*
 mey né mannz cono. *Hávam. 120.*

The words 'uergiorn,' Thryms Lay 54, and 'uerfang,' *L. B. L. 338*, are also found in the Poems.

þa es breiddo uit blœjo eina. *Oddr. 93.*
 breiddo blœjor, oc bú gœrðo. *Rig. 88.*
 Hann uarði mey uarmri blœjo. *Oddr. 22.*
 þa es uit á beð bæði stigom. *Treg. 48. cor.*

Gecc ec á beð
 þriðja sinni þíód-conungi. Treg. 23.
 oc hána Sigroedr sueipr í rípti. L. B. L. 32.

Wedded love is termed 'ástir,' the plural, as so often, being used when the word is to be generalized.

oc iofor ungan ástom leiðir. Helgi II. 90.
 ef þu ædlasc uill ástir mínar. Thrym. 120.

The *bridal nights* are termed 'hý-nætr' (Skirn. 176); and the superstitions connected with them have been noticed in the Corpus Poet. Bor. in connection with this Lay.

hue um þreyjac þriár :
 opt mer mánaðr minni þótti,
 an sia half hý-nótt. Skirn. 175-6.

The distinctive marks of the married woman were, the *veiled head*, to which the 'síðar slœðor' of the Rigs Lay may have reference; the *long gown*, 'kuen-uádir of kne falla,' in Thrymsk. 65; and *the keys*, id. 64 (which are so frequently found in English interments), are also mentioned in the Rigs Lay.

To *set up housekeeping*, used of the married couple was 'goera bú,' Rig. 88; 'bioggo or unðo,' 82; and the *husband* is 'húsgumi,' Rig. 103; 'bóndi,' 91, 'búandi'; the *wife* 'hús-cona,' Rig. 105, 'kuán,' Gudr. kv. 35.

Polygamy is once mentioned in connection with some other archaic traditions.

þo ero hagligar Higruardz conor. Helg. II. 13.

Polyandry is looked on as disgraceful. When, in the Lacuna Lay, Sigfred seems to propose it as the solution of a difficulty, Brunhild refuses with scorn to have two husbands alive at once. And in Loka-senna, a charge of polyandry is brought as an insult, even though it was of archaic type, a woman living with three brothers; the tradition that it had once existed being shown by the fact that it is there attributed to Wodin and his brothers.

hefir æ uer-giørn uesið :
 es pá W . . oc W . . létz pá W . . s brœðr
 báða í baðm um tecit. Lokas. 105-7. cor.

The disposal of a woman by *will* is apparently possible to some extent.

þa nam at mæla mál ið efsta
 . . . K . . . áðr hann sylti :
 mic bað hann gœða golli rauðo
 oc suðr gefa syni Grímhildar. Oddr. 54-8.

How DIVORCE was effected we know not, but the woman, it seems, could for certain grounds leave her husband; while the husband could put away the wife at will, her dowry following her—at least, where she was not to blame. The term for the woman was ‘ganga frá,’ *to walk away*; for man ‘hafna,’ *to put away*.

at frá conungom cuánir gengi. L. B. L. 58. cp. Laxd. Saga, p. 66.

fyrr scalec míno figrui láta
 an þeirar meyjar meidmom týna. L. B. L. 61-2.

hafnaði Holm-Rygjom oc Hœrða meyjom. Horn-clofi. 89, and Cormac.

The *marriageable age* for women was twelve.

uas ec uetra tólf, ef þic uita lystir,
 suá at ec ængom gram eiða seldac. L. B. L. 311-2.

The *concubine*, whom a man might have in addition to his wife or as a substitute for a wife, is ‘friðla,’ Hym. 114: a *paramour*, *gallant*, friðill, 33, *cor.* Children born out of wedlock, and acknowledged by the father, have a defined position, though they are not equal to the children by a wife; but this seems to be owing mostly to the mothers of such children being captives or slaves. The position of such an one is noticed in the Tale of Gudrun, where the captive princess speaks of her position in her captor’s household, hated by the mistress, and loved by the master.

The *bastard* is ‘hrísi,’ Konungatal, 165, ‘horn-ungr,’ Hlod. 53: the outlaw’s son is ‘uarg-dropi,’ W. Pl. 308, and has no rights. The classic passages are

Her es Hlœðr cominn Heidreos arf-þegi
 broðir þinn inn bed-scami. Hlod. 17-18.

þetta es þiggjauda þýjar barni:
 þá hornungr á haugi sat
 es qðlingr arfi scipti. Hlod. 51-4.

ADULTERY was called ‘hórdom’; the *paramour* is ‘hórr.’

annars kuán teygðo þer aldregi
 eyra-rúno at. Less. Lodd. 14, 15¹.

¹ The words ‘eyra-rúna’ and ‘mál-uinir’ we should now take as equal to the finer Middle English sense of *leman*, and not as we took it in the Corpus (ii. 475) in the later degraded sense. The words are too pretty to be so misused.

huerr hefir þinn hórr uesið. Lokas. 123.

. . . hordómr micill. Vsp. 109.

The offence of INCEST was 'sifja-slit.' W. Pl. 211-3, *cor.*

mono systrungar sifjom spilla. Vsp. 108¹.

VIII.

The PROPERTY of the household consists in—

1. *Land*: 'óðal,' 'bú,' 'lænd' [plural form in this sense].

2. *Chattels*: 'arfi,' which, like an equivalent, originally meant cattle, as the names, 'arfi, arfuni,' for oxen, amongst other things, seem to show.

3. *Slaves*: 'ambáttir'; 'þýjar,' 'man'; *bondmaids*, 'prælar,' 'ufl-megir.'

The heritage was *what the dead man left*, 'leifar' or *patrimony*, 'foðr-munir.' See C. P. B. i. 470 for note on this curious word.

To succeed or *inherit* is 'oeðlasc,' Rig. 183; and the dead man's Will apparently does not touch ethel-rights.

'Drecca erfi,' *to hold the arval*, was a necessary ceremony, and it was then that the inheritance was entered upon and the heir took his father's place, succeeding to his rights and duties. The *dirge* over the dead is 'angrliod,' Helg. I. 341: on which see remarks above.

With regard to *inheritance* the chief passages are—

uarga-leifar. O. G. L. 36.

lond es mer leifði G. . . Atlam. 345.

þufl bregðr þú mer . . . at til fiarri siác

mínom feðr-munom. W. Pl. 89-90.

Þótt misst hafim muna oc landa. Helg. I. 340.

Á D . . oc D . . dýrar hallir,

óðra óðal an ér hafid. Rig. 191-2.

til I's óðal-torfo: ala mun hon sér iód, erfi-uorðo. L. B. L. 247-9.

sinna heim-haga. Havam. 89.

erfi-uorðo, Ionacs sono. Tregr. 25-26.

The curious 'erfi-uorðr' seems to refer to the heir as the *care-taker* of the heritage. Lat. hæres; cf. land-uorð, used of a king.

¹ If the reading be right, marriage of first cousins on the *mother side* was regarded as incestuous.

cexti hon ǫl-dryccjor at erfa bræðr sína. Atlam. 269.

gœrt hefir þú þitt erfi. Atlam. 311.

þar dracc Angantýr erfi Heiðreks. Hlod. 12.

at þú erfi at ǫll oss dryccir. Hamð. 60.

Bróðor cueðja þú scalt bráðliga

arfs oc óðal-haga. W. Pl. 37-38. *cor.*

gamalla oxna nǫfn hefic gerla fregit,

. . . Arfr oc Arfuni. Fragm. C. P. B. i. p. 78.

trauðr ert-ðu

arf at ueita einga-barni. Wak. 63-4.

hafa uilec halft allt þat es Heiðrekr átti,

cú oc calfi, cuern þiótandi,

[al, oc] af oddi [. . . scatti],

þýjo oc þræli, oc þeirra barni,

hrís þat ið mæra . . . ;

grǫf þá ena helgo . . . ;

stein þann inn mæra . . . ;

halfar her-borgir [her uoðir] . . . ;

lǫnd oc lýða, oc liósa bauga. Hlod. 24, 32.

‘Aldauða-arfr,’ *escheat*, is property left without heir; in Mod. Danish Law ‘dane-fæ.’

enn Hroðmarr scal hringom ráða,

þeim-es áttó . . . órir niðjar,

sá sesc fylcir fæst at lífi

hyggsc aldauda-arfi at ráða. Helg. II. 41-5 (cp. Note, p. 493).

There is, owing to the special circumstances under which most of the poems were composed and transmitted, singularly little evidence as to the tenure and condition of LAND. ‘Bú’ is used like ‘tún,’ as equivalent to the *familia*, cf. Beda.

réd hann einn at þat átján buom. Rig. 151.

áttag at fullu fimm tún saman,

enn ec þuí aldri undac ráðe. Hialm D. 29-30.

The chief details as to cultivation are derived from Rigs Lay, which gives a picture of foreign slave or serf labourers, free yeomen, and big land-owners, lords of many *mansiones* or bú.

There are in the Song of Saws a few words, which prove cultivation of grains, ‘acr,’ S. of S. 25, 27; rye and bear are mentioned in Alvismal¹.

¹ The use of scarecrows seems to be alluded to in the Guest’s Wisdom, 105-6—

uáðir mínar gaf-ec uelli at
tueimr tré-mgnom.

acri ár-sánom. S. of S. 25.

ax uið fiql-cyngi. — 36.

haull uið hý-rogi. — 37.

The *free household servants* seem to be generally called 'inndrótt,' Love Less. 23, Hornclöfi, 26; 'sal-drótt,' Love Less. 28; 'sal-þióð,' Volkv. 89; 'sal-drótt,' Love Less. 28; 'deigja,' Lokas. 228. Our Mid. Eng. deye is the maid-servant on the farm, but most of the words meaning labourers, workmen, refer to slaves.

segita meyjom ne sal-þióðom. Volkv. 89.

mál es uil-mogom at uinna erfiðe. Biarkamal. 2.

The class of words in -megir is worth noticing separately.

drótt-megir. Atlam. 5.

uil-megir. Skirn. 144. Less. of L. 96.

ósc-megir. Lokas. 63.

hróð-megir. Frag. Bk. vi. No. 37.

Compare the words

lióð-megir. Hak. 17.

sess-megir. Havam. 74.

her-megir. Helg. III. 20.

An instance of slaves being part of a *lady's portion* is in Brunhild's Lay.

mínar þýjar fimm menjom gofgar [fimm ambóttir, in the paraphrase]
átta þíonar eðlom góðir,
fóstr-man mitt, oc faðerni
þat es Budli gaf barni síno. L. B. L. 266-9.

The following list comprises most of the more notable legal terms touched on above, and may be handy for those who would compare the old Northern law-terms with those of kindred nations. The references are not fuller as most of them will be found in the Dictionary.

af-springr, 78.
aldauda-arfr, 87.
al þióð, 66.
ambáttir, 86.
amma, 78.
anгр, 62.
anгр-lióð, 62, 86.
arfi, 86.
arгр, 75.
argscapr, 73.

árdfi, 77.
ástir, 84.
ætt, 78.
ættar-scioldr, 78.
ætt-conr, 78.
ættingi, 78.
ætt-uig, 95.

bani, 63.
banorð, 69.

barmi, 78.
ben, benjar, 71.
blóð-orn, 72.
boð, 59.
bót, bætr, bæta, 65.
brenno-vargr, 75.
bríóta, 62.
bróðir, 78.
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EPILOGUE IN OXFORD.

There are no Germans, save perhaps LUTHER and GOETHE, so well known and so well beloved among English-speaking peoples as the BROTHERS GRIMM. On the little child's nursery-shelf their well-thumbed 'Household Stories' stand side by side with those dear old favourites, 'Robinson Crusoe,' 'Gulliver,' 'The Arabian Nights,' and 'Poor Jack.' One cannot help feeling differently toward such books to what one does towards all others. They are the good-natured friends who would talk to us pleasantly, when other folks were too busy to attend to us. They were never tired of telling us the same stories over and over again in the same familiar and welcome words, and we were never tired of listening to their quiet voices. Hans and Klaus, and the master thief, and the magic fiddler, and the valiant tailor, and the too hilarious bean are and have been part and parcel of the dream-world of millions of English children. And if to have devoted and delighted readers everywhere is the author's meed, surely the Brothers Grimm have their reward.

It must have come as a great surprise to many others, as it came to me, when I found out, after I had known the Brothers Grimm for years as well as I knew the gardener, and the gardener's boy, and the children who came and played with us in the garden, that these old friends were great people, known and honoured by the wisest and greatest of grown-up folk; that they were Wise Men who had written learned books and made wonderful discoveries; that they had even busied themselves with composing grammars and dictionaries, books which it must surely need the most deadly perseverance and the most abstruse knowledge to compose, judging from the infinite pains, both physical and mental, it cost most of us to master our daily portions of the 'Accidence' and 'Syntax' of the Classic Tongues. When one grew older still and came to have some acquaintance for oneself with these bigger books of JACOB and WILHELM GRIMM, one's love and reverence for them did not at all grow less. It surprised one indeed at times, that one felt the same fascination in listening to their wondrous tale of Teutonic Grammar and Old-time Laws and Faiths and Customs, as one had

felt in hearkening to the 'Household Stories' long before. And when one came to know that these charming books—in which every fact seemed to stand in its natural place and in which by the most minute study principles of the widest range were fixed and laid down so surely and steadily—were the first and earliest of their kind, and that their authors had been Pioneers working in the Wood of Error, bringing Order out of Chaos, timbering houses and barns, and tilling the ground to good purpose, where before all was dark overhead and clogged and slippery underfoot, a mighty maze without a plan, a forest wild and vast as that where Sigfred fought and Varus fell—one marvelled more and more.

Englishmen are clumsy in the way they show gratitude and affection, but they are sincere; a grip of the hand says more than an Illuminated Address, and a silent look of admiration is really more flattering than all the applause of the Claque. But I do not know that foreigners ought to be expected to understand this, and indeed I find that sometimes they set us down as cold and ungrateful, because we prefer, like so many Red Indians, to conceal our emotions, and have no better words of thanks than the 'Ugh' of a Mohican or a Sioux.

If it were not for this national characteristic of ours, the love and reverence that are felt among us all both here and in the Colonies and States, for the BROTHERS GRIMM, would have been manifested abundantly enough. The little child and the grey-bearded scholar are equally their debtors and would have taken appropriate part in their CENTENARY CELEBRATION. But such demonstrations, natural and proper as they seem to foreigners, do not come naturally to us now-a-days. Our public statues and tasteless state ceremonials show how awkwardly our feelings are apt to express themselves. And I think it is better that no celebration of the Grimms' Centenary was attempted in England. Perhaps ere the next we may have learned to conduct such a festival with grace and dignity—we cannot do so now.

After all, the best plan to honour such men is to try and walk in their ways, though certainly it is not the easiest. For these Brothers led an upright, manly, industrious scholar's life, in word and deed, holding nothing too childish for their notice, but ever aiming at great things, and by no means contented, as others use, to bombast it about bigly over trifles, and to shrink abashed and helpless before the very notion of a great task. The example is not one we can afford to neglect now-a-days, hard though it be to copy.

To conclude, this little Pamphlet must not be taken as more than the mere personal expression of our own gratitude, though like the floating thistle-down it may perhaps serve to show which way the wind is blowing, and so to bear witness that neither the BROTHERS GRIMM nor their favourite Studies are forgotten in Oxford.

The poet shall have the last word—

*Call it by what you will, the Day is Theirs,
And here, I hope, is none that envies it.
In framing an Artist, Art hath thus decreed
To make some good, but others to exceed,
And these are her labour'd Scholars—
Their presence glads our Days: Honour we love;
For who hates Honour hates the Gods above.*

F. Y. P.

OXFORD, July 1885.

NOTES.

P. 6. We cannot forbear quoting the description of Arminius from Velleius, 'rendered English by Sir Robert Le Grys, Knight,' London, 1632; whose English style is so pithy and well sustained, that one would not take his book for a translation—

'A young man then, noble by birth, valiant of his person, quicke of apprehension, beyond the rate of a Barbarian of a nimble wit, by name *Arminius*, sonne of *Sigimerus*, Prince of that Nation, whose aspect and eyes did denote the fervency of his spirit, being a 'continuall follower of our colours in the former warres, and having obtained the freedome of the City of Rome, and to be made of the order of Knights, made use of the dulnesse of the Commander to his mischievous end.'

P. 22. The exact place of Varus' defeat, unless fresh evidence should perchance turn up, is beyond the ken of any man.

A recent find of coins has revived the inquiry (Mommson's Essay). My opinion is: The suddenness of the onslaught, and the overwhelming completeness of the disaster, left the Romans no time for stowing away their chest. And on the other hand, the Germans, when the battle was over, had such full leisure for search, that a hoard like this is the last thing they would have left *in situ* for the benefit of an inquiring historian of after days. Never, till within man's memory, did such a '*ualtrauf*' fall to the lot of a German king. Yet the find, we doubt not, is the memorial of some incident in that long struggle, which we would dub the *Thirty Years War* of Independence between Germany and Rome (roughly, 741–70 U.C.), a war that, in spite of the sham-Triumph, was of happier augury to Germany than the second one.

P. 26. Caesar, B. G. v. 9, gives one more instance of 'broti' in Britain.—'Nam crebris arboribus succisis omnes introitus erant praeclusi. Ipsi ex silvis rari propugnabant.'

P. 36. Mr. H. H. Howorth, in his Third paper on the 'Early Intercourse of the Franks and Danes,' has shown the importance of the Channel Islands as strong-holds and trysting-places for Wicking fleets in the first half of the 9th century.

P. 65. The *judge*, or *justice*, is called 'miǫtoðr,' Vsp. 8 (A. S. *metod*); 'hof-undr,' Sonat., cp. Dict. 308, b.; 'forseti,' *præses*, Grimm. 55; the *judgment-seat*, 'roec-stólar,' Vsp. 85.

P. 74. A slaughter within the family is 'frænd-uíg,' Vsp. 64, *cor.*; 'ætt-uíg,' Sigh. vi. 27.

P. 80. Impediments to marriage, 'mein.' Grip. 141.

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